22.

Mr Bertau 948073
Q5900 B

Ack?

U.S. Legation Yokohama

Japan January 18 1873

No 335

Sirs

C. E. De Long

U.S. Minister

DEPARTMENT OF STATE
RECEIVED
FEB
25
1873

Contents.

Acknowledging receipt of Despatches

Nos 148. 149. 150. 151. 152. 153. 154. 155

& 156.

R

95

No 335 Legation Yokohama

Japan January 18 1873

Sir.

I have the honor to acknowledge the receipt on yesterday of your Despatches Nos 148. 149. 150. 151. 152. 153. 154. 155. & 156.

I have the honor to remain

Sir

Your most obedient Servant

C. E. De Long

Hon Hamilton Fish

Secretary of State

Washington D C.

Delegation Japan
to E. De Long Minister

No 335

Dated Jany 18th 1873.

No Enclosures

Acknowledging the
receipt of Despatches
Nos 148. to 156. inclusive

5

Wr. Bridgman & Wr. Simmons

Sd

Mr Seward

Delegation Yokohama

Japan January 18th 1873.

Pays to draw for amt
Tel 7
Duties 1/2 inch

No 336

Sir

I have

the honor

to transmit

herewith

DEPARTMENT OF STATE
RECEIVED
FEB
25
1873

Contents.

Acknowledging receipt of Boxes of Stationary.

Advising of the purchase of some

stationary at this place also Material to use

with Letter Press and requesting advice

about paying for the same.

No 336 Legation Japan

January 18th 1873

Sir.

Acknowledging the receipt of your No 149. with its Enclosures, I beg leave to inform you that the Box of Stationery as also the Letter Press therein referred to has been received.

Prior to its receipt I was compelled to purchase some stationery for immediate use and after the arrival of the Press I was compelled to purchase the books &c to use with the same, a Bill for which I herewith Enclose (Enclosure No 1) 1/336 and respectfully request instructions as to what to do about paying for the same

Hon

Hamilton Fish

Secretary of State

Washington DC

as my credit with Mapis Clerk Habicht
& Co for this fiscal year has been stopped of
which I have the honor to advise you
in my No 332. of date the 6th inst.

I have the honor to remain

Sir

Your most obedient Servant

O E DeLong

— List of Enclosures —

No. Bill of Mapis Stone and Chipmunk
for Stationary

Yokohama Jany. 10/73

United States Legation

Bot. of Stone & Lippman

15	1 Dz. Ink	1	50	
2	1 Copying Book Foolscap	3	50	
	1 do Brush	1		
	1 Chit Book	2		
	1 Copying Sheet		50	
	1 Dz Copying Ink	2		
4	6 Sheets do Paper (Rubber)	3		
	1 Water Bowl	2		
	1 Medium Pad	1	50	
	28 Sheets Large Blotting Paper .15	4	20	
31	2 500 Page Copying Books	10		
	1 Ream Extra Octavo Note R	3		
	1 do " " R	3		
	1 " " Cap "	3	50	
	1 " " " R	3	50	
	1 " " Letter R	5	50	
	1 " " " Rl.	5	50	
	1/2 M Note Envelopes	3	25	
	1/2 " " " 705	4	50	
	1/2 " Official " 1090-10	8	75	
	Printing above	15	00	$86 70

Delegation Japan
C.B. De Long Minister

No 336.

Dated Jany 18 1873.

One Enclosure

Acknowledging the receipt of a Box of Stationery: also advising of the purchase of arms: forwarding the account and asking instructions as to its payment

Encl Mr Dixon's report ask Mch 10

DEPARTMENT OF STATE
RECEIVED
FEB 25 1873

Delegation Yokohama

Japan January 18th 1873.

No 337

From

C E DeLong

Minister

Contents.

Refers to your No 150. returning my account for Contingent Expenses for the quarter ending Sept 30th 1872.

No 337 Legation Yokohama

Japan January 18th 1873.

Sir

In acknowledgment of your despatch No 150, returning my account for contingent Expenses for the quarter ending September 30th 1872 for revision on account of its exceeding one fourth of the sum annually allowed to this Legation for Contingent Expenses and also because expenses for two flag staffs is more than is allowable; I beg leave to say that as this account was made out and drawn for prior to the issuance of your Circular No 26 of October the 28th 1872 I of course do not infer that you

How intend

Hamilton Fish

Secretary of State

Washington DC

intend to blame me for non compliance with that instruction.

In regard to two flag staffs and the arms and ammunition for them, I have the honor to advise you that in maintaining and using two I am but conforming to a rule constantly observed by all of my Colleagues by my predecessor Mr Van Valkenburgh and by myself for the last three years.

As it is impossible to obtain any dwelling house in Yedo I am compelled to reside here whilst keeping an office there. My Colleagues and myself follow the general rule of dividing our time about equally between the two places. That is Mondays Tuesdays and Wednesdays of each week we endeavor to spend in Yedo in transacting our business with Japanese officials. Thursdays Fridays and Saturdays we endeavor to spend in

Yokohama

Yokohama with our families and when we must to consult about business requiring our co-operative action; prior to conferring with the Japanese officials

At times the exigencies of business causes some of us to deviate from these rules, and we are detained either in one place or the other; or we are suddenly called from one place to the other.

That we may know when our colleagues are absent or when present without calling to inquire or sending messages we all follow the rule of displaying our flags in each place on flag staffs when we are present.

This simple method also is used for the benefit of our countrymen in the cities and on ship board in the harbor, to save them the annoyance and

trouble

trouble of calling on us when we are not
at home. When I reached here
I found this custom in full force and I
have but followed it. These two flag
staffs were erected by our Government at
a very considerable expense. The one at
Yuba before my arrival the one here I
put up in 1869. in place of the one Gen
Van Valkenburgh then had which was
decayed which fact I reported to you at
the time sent on my account and
vouchers and the same were approved
by you and paid. I therefore felt at
liberty to maintain them.

On my return in August last Col
Shepard called my attention to the necessity
of at once refitting these staffs as the
rigging had become decayed and almost
useless. I consulted with Lieut Comdr
Watson

Watson and three of our naval officers who advised me that I had better refit the Staff in Yokohama throughout with new hemp rigging Acting upon this advice I did so selling the old rigging and crediting the amount I received for it on the bill

The one in Geddes I instructed Mr Rice to repair temporarily as I thought it might be directed soon to remove it. There instructions he obeyed but finding all of the lower and gaff yards rotted off he was compelled to plant new ones which means the cost of the preceding & the sum of $85.00 =

I can but express my regret if in doing this business I have displeased you and of course I must commit to your hatures judgment you may direct and discontinue whichever of the two flag staffs you wish

Mr

me to. In your dispatches you fail to direct me how to remit my accounts therefore I do not know whether I ought to put out the items for repairing the Staff at Yedo or the one in Yokohama. Under such circumstances I have upon mature reflection considered it best to return you (Enclosure No 1)
1/337 the account and vouchers appertaining you to remit in any manner to suit yourself. which I trust you will do as I would have done had your instructions been specific. I beg leave to inquire of you if I am not to be allowed for the expense of refitting but one of these masts, have I your permission to sell the one for which I am disallowed in order to recoup myself to some extent.

I have the honor to remain

Sir

Sir

Your Most obedient Servant

C E De Long

List of Enclosures

Account for Contingent Expenses of this Legation for the quarter ending Sept 30th 1872 with vouchers in support thereof attached

Ack. appear Feb 25

Ack.

Encl.

Wm. Adams

Legation Yokohama

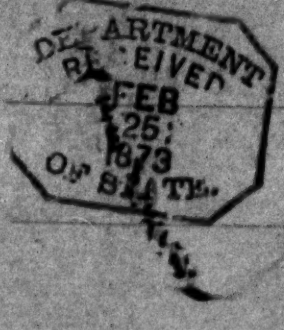
Japan January 18th 1873.

No 338

Hon

E E Dr Long

US Minister



Contents.

Reporting my proceedings under the instructions contained in your No 146 of date the 13th of Nov 1872 relative to extending my good offices to the Minister to be sent to Japan from Peru.

No 338 Legation Yokohama

Japan January 18th 1873

Sir

I have the honor to advise you that on the 29th of December last-shortly after receiving your No 146. of date Nov 13th 1872 advising me of the intention of the government of Peru to send a Mission to Japan and instructing me to extend my good offices in assisting it in its business. I addressed the Minister for Foreign Affairs of this Empire a Note (Enclosure No 1) announcing the appointment of the Legation and bespeaking a kind reception for it. To the end that the views of the Peruvian Government and your own might be fully understood I

1/338

How

al-

Hamilton Fish

Secretary of State

Washington D C

I also transmitted to the Minister a copy of your dispatch with a copy of its Enclosure.

On the 13th inst I received from His
2/33/46 Excellency a reply (Enclosure No 2)
which I think promises all that could be asked. By this mail I will advise the Peruvian Government of my proceedings.

Trusting to your kind approval

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

List of Enclosures.

No 1. C E De Long to Minister for Foreign Affairs.

No 2. Reply of the Minister

Copy.

No 137. Legation Japan

Yokohama December 29th 1872

To His Excellency

Soyeshima Tanomi

Minister for Foreign Affairs. Yedo.

Your Excellency

I have the honor to advise you that by the American Mail which arrived here on yesterday I received from the Hon Secretary of State of the United States a dispatch advising me that the government of Peru purposes to send a Mission to this Empire charged with the duty of negotiating and concluding a Treaty of Friendship and Commerce, and directing me as requested by the Minister for Peru at Washington to use my good offices in the assistance of this Mission (Enclosure No 1) 1/137

Accompanying this dispatch the Hon Secretary

Secretary Forsyth to me a copy of a Note received by him from Col Snyder the Minister for Peru at Washington in which the objects of the Peruvian government in sending forth this Mission are very fully and clearly stated.

2/137. (Enclosure No 2)

In obedience to these instructions I thus make known to you this correspondence and in the spirit of the friendly relations that an existing between the governments of the United States with those of Peru and Japan I invoke for this Mission upon its arrival, on the part of Your government a courteous and friendly reception; and also beg to express the hope that the Mission will be received in the spirit with which it has been sent out and that the government of His Imperial Majesty the Tenno will willingly enter into those friendly relations with the

Peruvian

Peruvian government which are now
sought by it; and that Your Excellency
may in reply to this Note thus advise
me in order that I in turn may be
authorized to so assure this Mission
upon its arrival and thereby facilitate
the conclusion of the business with
which it is charged.

I have the honor to remain

Sir

Your Most obedient Servant

C C De Long

Copy

Translation.

Foreign Office. Tokei

12th year 1st month 6th Year Meiji

Sir.

I beg to acknowledge the receipt of Your Excellency's Letter dated December 29th 1872 with its Enclosure informing me that it is the intention of the Government of Peru to dispatch a Legation of the first class to this Empire

The Government of His Imperial Majesty the Emperor will receive the representative of Peru with great pleasure: and will listen with respect and consideration to such proposals as he may be instructed by His Excellency to

C. E. De Long. Envoy Extraordinary

and Minister Plenipotentiary of U.S.

to make, and to which he omits will receive a hearty welcome, and such success as shall appear consistent with justice and the intents of this Empire

I learn with pleasure that Your Excellency will extend your good offices to the Representative of Peru

With respect and Consideration

Soyeshima Tanemi

H I J M's Minister for Foreign Affairs

Papers on previous correspondence between the Legation & Mr Seeley on the subject

Exp

A&R

Legation Yokohama

Japan January 20 1873

No. 339

Mr. Bodman

Sam

C. E. Seeley

Minister

DEPARTMENT OF STATE. RECEIVED FEB 25 1873

Contents

Reporting correspondence with Consul Shepard relative to Registering Citizens and appointing of Assessors elected by them

No 339 Legation of Japan

Japan January 20 1873

Sir:

I have the honor to advise you of the receipt by me on the 3rd inst of a note from Col Shepard (Enclosure No 1) forwarding to me a List of Assessors nominated by him for my approval (Enclosure No 2) 2/339

To which on the same day I replied asking him for a Copy of his Registry List for Examination (Enclosure No 3) 3/339

To which he replied on the 6th inst (Enclosure No 4) forwarding the List required (Enclosure No 5) 4/339 5/339

To which on the 7th inst I replied calling his attention to the facts that

Hon Re

Hamilton Fish

Secretary of State

Washington D C

he had selected as Assessors some thirteen persons in the service of the Japanese Government, that he had committed a number of resident Americans not in the service of this government: recommending that Americans in the Employment of this government should not be called upon for service of this nature unless in Exigencies requiring it necessary; advising him that all American residents were not enrolled on his Registry List also pointing out to him that he had failed to append to the list nominated a certificate as required by Section 267 of the Consular Court Regulations calling upon him to correct the same &c (Enclosure No 6)

To which on the 8th inst he replied

Acknowledging

939

Admitting the error relative to the Certificate and requesting me to give him the names of any unregistered citizens &c (Enclosure No 7) 7/339

To which I replied on the 9th inst. giving him the list asked for and advising him that some fault had been found with him for ordering some citizens to register and failing to give similar directions to others. urging him to allow no discriminations to exist &c (Enclosure No 8) 8/339

To this Mr Shepard replied at length on the 11th. denying his liability to any such charges and advising me of his having previously ordered the persons I had mentioned to Register (Enclosure No 9) Also on the same date he addressed me another Note (Enclosure 9/339

No

10/339 No 10) forwarding a revised List of
Assessors with a Certificate attached to
11/339 such List (Enclosure No 11) To which
I again replied on the same date pointing
out an error still existing in this
12/330 Certificate (Enclosure No 13)
To which on the 13th inst- he replied
13/339 (Enclosure No 13) Forwarding the same
List as No 11 with a corrected Certificate
On the 15th inst I approved of
this list- last sent up and returned the
same to me so approved (Enclosure
14/339 No 14)
Thanking you for your kind approval
I have the honor to remain Sir
Your most obedient Servt
C E DeLong

(List of Enclosures)

No 1 C O Shepard to C E de Long. nominating Assessors

No 2. List of Assessors so nominated

No 3. C E de Long to C O Shepard asking for Copy of his Registry List

No 4 – Reply of C O Shepard.

No 5. Copy of Registry List

No 6. C E de Long to C O Shepard. calling his attention to want of a proper Certificate to his List: recommending Americans Employed by Japan to be omitted &c

No 7. Reply of Mr Shepard calling for names of unregistered Americans &c

No 8. C E de Long to C O Shepard giving the List asked for & expressing hope to show no partiality in enforcing registration

No 9. Reply of Mr Shepard denying that he had done so

No 10. Note from C O Shepard forwarding
Revised list of Pensions with a Certificate
No 11. Copy of such list & Certificate
No 12. C E De Long to C O Shepard calling his
attention to a defect in his Certificate
No 13. C O Shepard in reply forwarding Revised
List with corrected Certificate
No 14. C E De Long to C O Shepard approving
the List of Pensions nominated
& returning the same to him

Copy

No 1 U.S. Consulate

Kanagawa Jany 3rd 1873

Hon C.E. de Long

U.S. Minister

Sir

Enclosed please find list of Assessors for the ensuing year of which I have the honor to ask your approval

I am Sir

Your Obedient Servant

(by) C. E. Shepard

Consul

Copy

List of Persons nominated to act as such in this Consulate during the year 1833

Allenson H.	Flanders C.A.
Allen Henry Jr.	Gray L. H.
Brown R. M.	Hurlburt Leo.
Do S.R.	Hayne R. G.
Baker, Colgate	Howe L. H.
Blanchard H. M.	Hill G. W.
Batchelder J. M.	Hall C. P.
Brower J. L.	Irwin R. W.
Boynton E.A.	James Capt.
Clark W. L.	Lothrop S. R.
Carroll J. L.	Low F.
Chipman H. L.	Lane Geo. E.
Cressey C. C.	Lillibridge
Drake Chas	Montgomery Geo L.
Endicott L.	Mendleson Joseph
Farley S. Jr	Miller H. M.
Fletcher C.A.	Macomber W. H.

Mc Carlie D. B.	
Percy E. L.	
Ramee C. A.	
Smith C. R.	
Stevens F. L.	
Spooner L. C.	
Simpson C. R.	
Scott M. M.	
Verbeck G. F.	
Walsh J. G.	
Winn John E.	
Wilson Horace	
Weiller Alfred	

Copy

No 1 U.S. Legation Yokohama

January 5th 1895

Sir

Acknowledging the receipt of your despatch No 1 of even date herewith forwarding to me a list of Assessors for approval, I beg leave respectfully to ask you to forward to me a full and complete list of all American residents within your Consular jurisdiction whose names are recorded at this date upon the Consular Registers

I have the honor to remain

Sir

Your most obt Servant

To C.E.Leng.

C. O. Shepard Esq.

U.S. Consul Kanagawa

Japan

Copy

No 11 US Consulate

Kanagawa Jany 6th 1873

Hon. C. E. De Long

U. S. Minister.

Sir

In obedience to your Inst I beg herewith to hand you a list of American Citizens whose names are found upon the Consular Register

I have the honor to be

Sir

Your most Obedient Servant

C. P. Shepard

Consul

A

Austin Charles L.
Atkinson Hoffman
Adams Thos.
Adair Henry
Aiken Augustus
Ailmand John.
Allen Henry Jr
Allen Chas. H.
Alling Frank S.
Adolis T. F.
Antisell Thos S.

B

Benson E. S.
Burgess S. W.
Brown R. M.
Brown J. W.
Baker Colgate
Brown S. R.
Bridgens R. P.
Bernard Walter
Blanchard H. M.
Brown, Samuel C.
Banks James
Brower Thos. L.
Ball Daniel
Ballagh James H.
Brown Alex
Bush Isaac
Burns Geo. H.
Blass Morris
Blass G.
Batchelder J. H.
Baker C. C.
Booke Lewis
Beauchamp J. W.
Ballagh D. C

Bayne Marshall	Cusman Henry
Bayston . C. L.	Clark Mrs L
Bryan L. M.	Chauncey Mark
Broadhurst . C.	Cottrel L. N.
Bellows John	Coffin A. W.
Black M. M.	Chase James
C	Cook . N. C.
Crownnshield W. N.	Craw . C. H.
Church Howard	Christian A. C
Cole Peter K.	Cook James
Cook . H.	Crayton H.
Clark Mrs L	Cayhill D.
Copeland Mrs	Conner . R.
Coffin Labon	Carroll . J. D.
Cook Lewis	Clark Warren
Clark W E.	Chipman . H. S.
Collyer J. C	Cook . T. H.
Coleman Geo	Creecy C. P
Canary Charles	Copley . L. L.

Carruthers C.	Emerson . B.
D	**F**
Dennison H. W.	Farley Gustavus
Doyle N. H.	Farrington F. C.
Done Bayley	Flanders Chas. A
Drake Jones	Fletcher C. A.
Davis Wm. H.	Ford E. M.
Drummond Samuel	**G**
Dutton Robert	Goodman G. W.
Dunham Tevan	Goble J.
Duggan A.	Gill M. Gillet
E	Gill Eugene St.
Endicott S.	Gibbs Jno B.
Elmer Geo. W. Jr.	Gardner F. W.
Elliot Will St. George	Gargan Jno. L.
Elliot Richd E.	Glackmeyer Oscar L.
Enis C.	Glackmeyer G.
Edwards Frank	Guild C M.

Gaffeney Chas.
Gray W. A.
Gray J. Harrison
Grant L. L.
Goodspeed C. C.
Griffith W. E.

H

Hurlbert G.
Hiltz J.
Hill Geo. W.
Hebburn L. C.
Hayne G. G.
Hombeck Chas. R.
Henderson C. L.
Harold Bernard
Howard Geo.
Haskell W. B.
House E. K.

Hussey Peter
Hayes Russell Jr.
Hall C. P.
Harley James
Hall W. W.
Heco Joseph
Hanks Walter L.
Heenigan Chas
Hall E. W.

I

Innis R. N.
Isaacs Isaac
Isaace Marcus

J

Johnson Eben L.
James Samuel
Jordan Mettiah
Jordan Wm

Johnson Charles
Jupiter Mark
Johnston Ralph
Jungkamms L. H.
Landon Peyton

K

Knack Peter
Kelley Jno. D.
Kirby Robert
Kelly James
Knowles E.
Kinia H. F.
Kinia Thomas

L

Lothrop E. K.
Lake E. W.
Lamb Jno. W.
Livermore E. H.
Lillybridge H. P.
Lane Geo. E.
Lettis Louis
Lundberg N.
Low Francis
Loomis Henry
Lewis Wm K.

M

Mitchell Geo. H.
Marks A.
Mendleson E.
Mason E. H.
Mayers E. L.
Mc Vance Richard
Montell E. W.
Miller E.
Mahoney James
Meekljohn K.

Mc Affe Levi	Nathan W. M.
Mc Lane Louis	Nathan L. M.
Moriarty W. A.	North James
Moore Allen	Neal E. M.
Miller H. H.	Nash Geo
Miller C. H.	Nichols Seth C.
Montgomery E. L.	O
Macomber W. H.	Olmstead T. H.
Miller E. Rothsay	
Mc Farland R.	Peter
Murray W. A	Percy E. L.
Mc Kenzie David	Pease Benjamin
Morris Thos.	Payden H.
Munroe Henry	Portman A. L. C.
Mangrove Henry	Pickington H.
Mc Carter L. E.	Paemore H. C.
N	R.
Newberry W. L.	Rosenfeld James

Ramee L. A.
Randall Samuel
Rappuport. S. M.
Robinson Robert
Roget Charles
Rice G. E.
Parons J. H.
Roth Bernard
Redmond Leo
Robertson S. A.

S

Shepard E. A.
Simmons D. B.
Steams Jno. O. P.
Smith E. R.
Shoemaker E. L.
Spooner Frank
Spooner E. C.
Sterns Thos L.
Simpson E. R.
Sewell Herbert
Spooner G. C.
Storm Edw. A. M. D.
Stephens Alex
Scott H. H.
Squires G. L.
Scott Wm.
Sullivan P. J.
Simpson D. L.
Stockwell E. L.
Shutts Adolph

T

Thayer James
Tobias Wm L.
Tillman Walter P.
Taylor Chas.

Thompson W. H.	Northeimer Louis
Tomble J. S.	Nelson Horace
Taylor D. C.	Nalsh Robert.
Thompson David	Wheat Louis
V	Walsh Jno G.
Van Reed Eugene	Watson J. H.
Van Vorenburgh Geo	Warfield A. G.
Vannun R. M.	Wolf L.
Verbeck G. F.	Wasson D. R.
W	White Geo
White Jno.	Webb Thos.
Winn Jno E.	Washington Thos. G.
Wilson H. S.	Wilson Allan Lay.
Wolz Chas H.	Wood W. A
Weller Alfred	West Chas.
Williams Geo V.	
Watkins J. R.	
Wilson Fred	

Copy

No 6 US Legation Japan

January 7th 1873

Sir

Acknowledging the receipt of your No 11 with its enclosed copy of your Registry List and also referring to your No 1 with its list of persons named to me as Assessors I beg leave to call your attention to Section 267 of the Consular Court Regulations which requires the list of Assessors you may nominate to me, to be followed by your certificate to the effect that all of the persons therein named are known to him the Consul to be citizens of the United States of America and residents of said Empire and to be of

good

good moral character and
to possess the proper qualifications
to act as such"
No such certificate is appended to
the list you have nominated
and sent up.
By comparing the Registry list
with the list of Assessors
nominated and sent up, I
discover you have omitted a
great number of our prominent
and most respectable citizens.
The result of this course would
be to throw this class of duty
on a few of our people and give
them I think a just cause
of complaint. I also notice
that in the list of those
nominated you have selected
numerous

numerous Americans in the employment of the Japanese Government one of them being a member of your Bar and legal adviser of the Japanese Court in this District.

Unless there is an imperative necessity for selecting such persons, I would recommend you to omit from the list the names of all persons filling appointments under this Government

I trust that upon reflection you will see the propriety of pursuing this course, as the contrary one would result in great inconvenience if not positive injury to gentlemen holding such positions, besides probably

prejudicing

prejudicing the Japanese Government against employing our citizens in the future. I beg to call your attention to the fact, that in my No 1 I requested of you a list of all resident Americans at that date the list that you now send me with your No 11 contains the names of many persons not residents ~~Had~~ Are, also of some who are deceased, in this regard your list is not quite such as was called for.

I also observe that the names of many Americans who are and in some cases who have been for a long time residing at this port are not included.

I trust you will endeavor.

to

to complete this registry as required by the Regulations with strict impartiality

In conclusion I beg to recommend you to revise the list of Assessors carefully selecting all names of resident Americans not in the service of the Japanese Government to which you can certify as required by the Regulations and nominate the same to me as soon as you can consistently

I remain Sir

Your Obt. Servant

L. E. Eldridge

R. O. Shepard Esq.

U.S. Consul

Kanagawa

Japan

Copy

No 12. U.S. Consulate

Kanagawa Japan. Jan. 8th 1873

Hon. C. E. De Long.

U.S. Minister

Sir

Continuing the matter of Assessors for this Consulate I am mortified to acknowledge a non compliance with section 267 of the Consular Court Regulations,

How the blunder occurred I cannot say and no explanation I can make will alter the fact. Your wishes I desire to meet most fully, and as I have omitted, -"a great many of our permanent and most respectable residents may I ask you to add their names and return the list to me, whereupon I will forward corrected recommendations with the proper certificate. Mr. Hills

name

name would be better omitted and the names of gentlemen in Yedo, in the employ of the Japanese Government. were added because of Americans at that Port otherwise employed.

I beg to correct you in the wording of your No 1.

I find it to have been a request to forward you— "a full and complete list of all American Residents within your Consular Jurisdiction, whose names are recorded at this date upon your Consular Register—" and not as you suggest "a list of all Resident Americans at that date"—

I beg to insist that with the exception of women and children, I complied literally with your instruction. Since the list was sent you yesterday

yesterday Genl Capron has registered
in response to a notification, and a
like notice was some days since
sent to Messrs Williams Bates & Smith
of Geda.

Unless you refer to these persons
I am at a loss to know who have
not registered.

Kindly inform me by name
as you say "many are omitted.

I have the honor Sir
to be
Your obedient Servant
E. C. Shepard
Consul.

Copy

No 12. US Legation Japan

January 9th 1893

Sir

Sir reply to your Note No 12 of yesterdays date I beg leave to state that not being personaly acquainted with all of the American Residents I can only mention a few of the names omitted from your list to wit.

Bridgers R. C. Mechanic

Ballagh J. W. Clergeman

Cush Isaac. Grocer

Glass G. Do

Bryan S. M Clerk

Crowninshield W. W. Do

Cook Lewis News Dealer

Carruthers C. Clergeman

Done Bayley Physician

Elliot

Elliot Will St George Dentist

Gaffney Chas Barber

Wiltz J. Captain

Isaacs Isaac Grocer

Loomis Henry Clergeman

Simmons T. B. Physician

Spooner Frank. Merchant

Spooner E.C do

Van Vorenburgh Leo. do

Bellows John Clerk. (C.m.s.s.co)

Haskell H. D. Clerk. (N. Y. & co)

Gannum R. M. do do

Olmstead E. H. Clerk

Robinson R. Asst. Engr. (C.m.s.co)

Miller G. M. Supt coal dep. "

Brown J. W. " " " "

Taylor A. B. Clerk. Smith Baker & co

Thayer, Ed A. Merchant

Cadmus H. Sail Maker.

Baker

Baker - C. C. Clerk (Carroll & co)

In this list - there are thirty four names from whom it would seem possible for you to select Assessors in the place of messrs E. C. Cressy J. H. Gray. E. H. House, G. W. Hill H. M. Miller. D. B. McCarter. M. M. Scott G. F. Verbeck and Horace Wilson all of whom are employed by this Government and most of whom live in Cedo. If however Americans in the employment of this Government are to be selected why omit such capable men as Prof Thos. S. Austiell. W. C. Griffith Henry D. Munroe Geo. N. Williams Louis Wealhenner. Major A. J. Warfield & R. Masson and others. in your Registry list I fail to find

find the names of the gentlemen
you mention in your No 12 to
wit Messrs Williams Bates & Smith
as also those of C. A. Longfellow
Earnest Shoyer and others who
not being in the employment of
the Japanese Government have resided
here continualy for several years.
Almost immediately after Gen Capronis
return from Yesso you sent him an
imperative order to call and
register or otherwise advising him
he would be liable under the
Regulations imposed by the Consular
Court Regulations. This you also
did with Mr. Sam Bryan
a gentleman stopping at my
Legation, who visited Japan as
you are well aware for a

Special

special purpose and was expecting
to leave by every mail. whereas
Mr. C. Leslie Smith has been a
constant Resident over one year
and contemplates remaining.
Mr. Williams has resided here
nearly as long and Mr Longfellow
for about two years. It is
remarked to your discredit by
those who wish to criticise you
that with Gen Capron and Bryan
your relations are not kind whereas
with the other gentlemen named
they are the reverse, hence the
criticism is that you use the
power of compelling persons to register
in a partial and unjust manner.
I beg you to believe that these
matters I mention in all kindness
for

for your own guidance and good and not in any spirit of animadversion.

Regreting to differ with you in opinion, I still respectfully insist that by no fair construction could my letter to you calling for a full and complete list of all American Residents within your Consular Jurisdiction whose names are recorded at this date be held or understood to call for the names of persons who died months ago or who have been absent from Japan for years

The list of Assessors you nominated to me contains the names of Capt. James and E.C. Sprooner no such names appear on the registry

list. I suppose however these names were intended for Samuel James and E. C. Spooner Such discrepancies must be carefully guarded against or they may be seized by Ingitants as objections to the validity of some judgment of your court.

Too much care cannot be exercised in this regard.

I have the honor to remain

Sir

Your most obedient Servant

E. E. De Long.

C. C. Shepard Esq.

US Consul

Kanagawa Japan

Copy

No 17. U.S. Consulate

Kanagawa Jany 11th 1873

Hon. C. E. De Long

U.S. Minister

Sir

I dislike to extend a correspondence upon the matter of Assessors and Registration, but as your No 12 evinces such misapprehension of myself my acts and intentions, that I cannot allow it to pass unanswered.

In regard to the names you give as omitted from my list of Assessors, I have to say that a portion of them I add with pleasure, but concerning some of them I cannot conscientiously make the necessary certificate.

Dr. Done & Simmons were left out because of their profession — the same class of persons being excused from

Jury

very duty at home I believe.

I regret that my No 12 was so obscure as to give you the idea that I claimed the names of Messrs Williams Bates & Smith to be upon the Consular Register. I intended distinctly to state that they were not; but that they had been notified to Register. This notification was sent Messrs Smith & Capron Williams & Bates at the same time.

Yesterday Mr. Capron responded, but the others failing so to do, were on the 9th inst summoned to appear at this Consulate at 2 O'clock of yesterday 11th (to day) to show cause why they should not be fined for not Registering. Is that official partiality? Of all charges I wish to be and believe I am innocent of this. I should desire

myself for a thing so despicable

I greatly regret to learn from your letter, that my relations with Messrs. Caproon and Bryan are not kindly.

If this be true, the ill feeling is entirely on their side, and possessed as I am of the proud satisfaction of feeling and knowing that to no man, woman or child in this Empire have I ever done an injustice or a wrong. I can simply express my regret and patiently and confidently rely upon time to develope the truth of my assertions. Accepting this feeling of unkindness (so far as they are concerned) as a fact, the incorrect representations made to you are accounted for. Of Gen Caproon or

Mr.

Mr. Bryan say that I ever sent them "an imperative order to call and Register" — they tell what is simply false, and what in Gen Capron's case he knows so to be.

1/7 I enclose the only notice ever sent him, and leave you to judge as to whether or not it is "an imperative order to call and Register"

I spoke to him of the requirement last Spring, and he promised faithfully to call at the Consulate and Register before going to Gesso, but utterly failed to keep his word.

When it is remembered that the Consular Court Regulations give me the power to summon and fine Gens Capron and Mr. Bryan without according them the courtesy of a warning notice or "order"

the

the charge of partiality falls to the ground of its own weight but marks plainly the desire to misunderstand and misrepresent me. When that desire in a person becomes evident, I have nothing whatever to say, for it evinces a determination not to be reasonably and upon such a person reason is thrown away. I simply pity a mind so small.

Since receipt of your No 12. Mr. Thayer has Registered and immediately upon your suggestion Mr Longfellow was notified. I thank you for giving me these names, knowing as I do that such information is quite outside the line of your duty. I am also under great obligations for the opportunity of defending myself against the unjust charge of

Official

official partiality and I know that
if time developes the whole truth, all
those who now believe or pretend to
believe me guilty of unfairness, im-
partiality and perfidy, will realize
and acknowledge how great and egregious
a wrong has been done me.

I have the honor Sir

to be

Your Obedient Servant

(Sgd) C. O. Shepard

Consul

Copy.

10

US Consulate

Kanagawa. Jany 11th 1893

Hon. C. E. De Long.

Sir

Enclosed I beg to hand you list of Assessors, amended at your suggestion, and of which I have the honor to ask your speedy approval

I am Sir

Your Obedient Servant.

(sgd) C. C. Shepard

Consul.

Copy

List of Assessors nominated to act as such at this Consulate during year 1893

Atkinson H.	Fletcher H. A.
Allen Henry Jr	Flanders H. A.
Brown S. A.	Gardner F. W.
Bridgens R. C.	Hubbard Geo
Baker Colgate	Hayne R. B.
Blanchard F. M.	Hall C. S.
Batchelder J. M	Irwin R. W.
Brower T. L.	James Samuel
Boynton E. A.	Lothrop S. K.
Clark N. L.	Low T.
Carruthers C.	Lane Geo. E.
Carroll J. D.	Lilliebridge H. C.
Chipman H. S.	Loomis Henry.
Drake Chas	Miller E Rothsay
Elliot N. St. Geo	Montgomery J. L.
Endicott S	Mendleson Joseph
Farley S. Jr.	Macomber W. H.

Carey . E. B.	Spooner . E. B.
Robinson . E. B.	Simpson . E. B.
Ramee . P. A.	Van Hoorenburgh Geo. W.
Smith . E. B.	Walsh . J. S.
Stevens . J. S.	Winn John . E.
Shoyer . E. A.	Weiller Alfred.

I hereby nominate the above named persons to act as Assessors for this Consular Court.

(sgd) C. C. Shepard

US Consul for Kanagawa

I hereby certify that all the within named persons are known to me to be citizens of the United States of America are of good moral character and possess the proper qualifications to act as Assessors in the US Consular Court for Kanagawa Japan during the year 1873.

(sgd) C. C. Shepard
Consul.

Copy

No 13 US Legation Japan

January 11th 1873

Sir

I have the honor to acknowledge the receipt of your note re-nommating to me a list of Assessors for my approval

I am again compeled reluctantly to call your attention to the fact that the list sent up fails to have appended to it such a certificate as is required by Section 267 of the Consular Court Regulations, wherein it fails to certify that the persons named by you are known by you to be residents of this Empire.

As an omission of this

C. C. Shepard Esq. nature

US Consul

Kanagawa Japan

nature might be made use of to
invalidate judicial proceedings of
your Court I therefore call the same
to your attention.

I have the honor to remain

Sir

Your most Obedient Servant

C E DeLong

Copy

No 18. Consulate of the United States

Kanagawa Japan

January 13th 1873.

Hon C. E. De Long.

U.S. Minister

Sir

After repeated stupid & blunders I trust the List of Assessors now forwarded for your approval will be found correct.

I have the honor Sir

to be

Your Obedient Servant

(sgd) C. A. Shepard

Copy

No 14 US Legation Yokohama

Japan Jany 13th 1873

Sir

I have the honor to acknowledge the receipt of your No 18 of even date herewith enclosing revised list of Assessors and to return the said list herewith to you with my approval.

I have the honor to remain

Sir

Your most obedient Servant

A E Sharp

C. O. Shepard Esq.

US Consul.

Kanagawa, Japan.

Legation in Japan
C. E. DeLong Minister

No 339.

Dated Yeddo Aug 20th 1873

14 Enclosures -

Correspondence with
C. O. Shepard relative to
Selecting Assessors and
Registering Citizens

Sub

W Berdan

DEPARTMENT OF STATE RECEIVED FEB 25 1873

RECEIVED FEB 25 1873 DEPARTMENT OF STATE

United States Legation Japan

January 21st 1873

Mr Nathan E Rice Interpreter

to

Hon. Asst. Secretary of State

Washington D.C.

Subject.

Forwarding Salary a/c and Vouchers for drafts of Dec 31st 1872. Encl

Enclosures 3.

No 2. United States Legation

Yokohama January 21st 1873.

Sir,

I have the honor to forward herewith for approval, my Salary account for quarter ending December 31st 1872. (Enclosure 1)

I respectfully advise you, that I drew at that date a draft for One hundred and twenty nine pounds, two shillings and eight pence upon Messrs. Glyns Habicht & Co, Government Bankers Londn. which I sold in Yokohama for

Five

Hundred.

Charles Hall.

Asst. Secy of State.

Washington

Five hundred and seventy
nine 28/100 dollars ($579 28/100)
Voucher for which please find
as Enclosure No 2. 2/2

For loss by exchange adding
loss by exchange on itself. I drew
upon the same day, a draft
on the Honorable Secretary
of State for Fifty one
27/100 dollars ($51. 27/100).

Exchange Voucher Enclosure No 3. 3/2

All of which is respectfully
submitted.

I have Sir,

Very Respectfully

Nathaniel Ray

Interpreter to Legation

in Japan

Ent Acknowledge, the dispatch has never had any number of understanding. Can you approve Dec 10 Mch

(Copied)

No. 340

Mr. Low

Mr. De Long

Mr. Minister

DEPARTMENT OF STATE RECEIVED FEB 25 1873

Contents.

Excitement in Japan on official circles over the rumor that Penn is about to send a hostile Expedition to this Empire to demand redress for the Maria Luz matter.

Action that I have taken in conjunction with these Authorities explained

No 340 Delegation Of Bohemia

Japan January 22nd 1873.

Sir.

The publications by the press of this City of reports of such a nature as the one I forward. (Enclosure No 1) stating that the Peruvian Government has fitted out and intended sending forward to Japan an armed Expedition charged with the business of demanding Explanations from this government relative to the Maria Luz matter and also indemnity has created considerable excitement here in official circles. At an interview which I held with the Minister for Foreign Affairs on yesterday he asked me if I believed there were reports

340

Hamilton Fish

Secretary of State

Washington DC

apoints. I replied that I did not, that certainly I had not received any information to that effect either from my own government or from that of Peru. He then asked me if the correspondence which had taken place between the Peruvian Minister and myself relative to the objects of the Mission and which being transmitted to me I had under instructions transmitted to him could not be considered as conclusive upon this point. I advised him that I feared not as upon examination of the dates I found that that note was written probably before the news of the Maria Luz affair had reached either Washington or Lima, but that I felt sure my Government after having thus formally announced its intentions and

worked

without the aid of a friendly power
to announce its mission and declare
its intentions would be liable hastily
or for slight reasons to change its
course. He then asked me if I had
any objections to his having the
correspondence that had passed between
us upon this subject published in order
to allay any excitement upon the
subject. I replied that he might publish
the Letter of Mr Sayre to yourself.
(the enclosure with your No 146.) also
my Note to him and his reply to me
(the same that I transmit to you by
this mail as enclosures with my No
338.) but that for certain reasons it
was advisable not to publish your No
146. This he was much pleased with
and advised me of his intention to

publish

publish the same in the Japanese newspapers.

He then enquired of me what course I should pursue if this Mission should come charged with hostile intent—

I replied that my government had instructed me to lend my good offices to assist the Peruvian Mission in its objects as declared in its letter but it was equally well known to Peru and Japan that the United States Representatives in every land were instructed in the strongest terms to do everything in their power not only to prevent the growth and spread of the coolie traffic but to completely prohibit it in the future.

That Japan in arraying itself against this business had and would enjoy the fullest sympathy of the United States

11

• States. That upon the arrival of this
Embassy I would at once make known
to it what I had done in its behalf
and ask to learn its objects and
intentions; that if I found it disposed
to make trouble on account of the
course Japan had pursued about the
Corea Inl. or to enter into negotiations
to establish privileges in favor of the
Coolie Trade that I should at once
put forth my effort in my power to
dissuade it from such a course at
the same time frankly avowing the
opposition of my government thereto
That by the relations I already held
with this Mission I hoped to be able to
do much to avert danger from this
Empire if any were threatened but that
in the event I should discover this
Mission

to be worked in the prosecution of such purposes as those that were found no other course would be left open to me compatible with the views of my government and my own feelings than at once terminate my relations with the Mission which I would do and notify the Japanese Government thereof.

With this expression the Minister expressed his unqualified satisfaction at the same time assuring us that his government ~~felt~~ reposed complete confidence in my declarations and looked forward with the most complete assurance to the avoidance of any misunderstanding with the government of Peru whilst the Mission it sent forward should consult with the Representatives of the United States

Something that I can understood

and

I have followed the instructions you expressed
in your No 146 I have the honor
to remain

Sir

Your Most obedient Servant

C E De Long

List of Enclosures

No 1. Newspaper extract.

of utmost difficulty between Peru
and Japan

Extracts.

THE *MARIA LUZ.*

LIMA, November 12th, 1872.

The Peruvian mind is very seriously exercised over the news recently received from Japan relative to the treatment of the captain of the coolie ship *Maria Luz.* The facts of the case are simply these:—

The vessel with her live cargo left Macao for Callao direct, but, having encountered heavy gales and stormy weather, put into a Japanese port in distress for repairs. While these repairs were being effected one of the coolies escaped, reached the shore and made a complaint to the Japanese authorities of cruelty at the hands of the captain, alleging at the same time that he was being conveyed to Peru against his consent. Assuming the story of the Chinaman to be correct the authorities proceeded to act.

All the coolies on board were brought by force to land and were declared free. The captain, on protesting, was sentenced to either 100 lashes or to 100 days' imprisonment as he might prefer; and here the story ends, as the steamer bringing the news left scene of conflict at this point.

The Peruvian Government is more than indignant. The coolies were all engaged by contract in Macao, the papers were pronounced legal by the Governor and Consul at that place and the coolies themselves had signed the necessary documents and received the customary advance. The traffic, commonly called the coolie trade, while denounced by foreign nations, is permitted by the Portuguese holding the port of departure and by the Peruvians receiving the immigrants. The vessel carried the Peruvian flag and only entered the Japanese harbour to repair the damage she had suffered during the gale. The captain is an officer of the regular Peruvian navy, temporarily employed in command of the *Maria Luz.*

The contract was entered into in a foreign country between parties in no way amenable to the regulations of Japan, and the vessel being in Japanese waters purely through fortuitous circumstances was entitled to the protection and consideration afforded by international regulations. Had the coolies been taken from the Empire of Japan the case would assume, say the Peruvians, a totally different aspect. But Japan, taking to herself the province of an arbitrator in an affair foreign to her rights or even interest, places herself in an unenviable light. The Consuls resident in Yokohama protested energetically against the proceedings of the Japanese tribunals, the English Chargé d'Affaires, Mr. Watson, alone upholding the action of Japan.

The Peruvian Government having no representative at the scene of the occurrence has taken as evidence the relation published in the *Japan Herald* of the 7th of September last, and is now having the account translated into Spanish for the information of the public.

But in the meantime other steps are being taken. The embassy to be despatched by Peru to China and Japan leaves here on the 18th instant, and Captain Garcia y Garcia, the chief of the mission, a brother of the former Minister from Peru to the United States, Dr. Jose Antonio Garcia y Garcia, will be fully instructed as to the course he must pursue. The Japanese Government will be requested to make the necessary explanations and reparation for the damage caused by its conduct.

Captain Garcia will sail in the *Independencia*, a formidable iron-clad frigate, mounting sixteen heavy guns, and constructed by Samuda, on the Thames, in 1865. We are here unaware of the force of the Japanese navy; but should the matter prove serious it is said that the intrepid "Japs" will find a tough antagonist in the frigate.

It is sincerely hoped here that the affair can be satisfactorily settled by Captain Garcia without recourse to gunpowder; but the offence admits of no arrangement without a "change of base" on the part of His Majesty the Mikado.

It is understood that through the efforts of the British Legation the action of the Japanese government was hastened and strengthened.

Delegation Japan
to Europe Treaty Commission

No 340

Dated January 22 1873

One Enclosure

Claims in Japan
for the murder through
the pass from Peru

Ack. 26 Feb 73

Sent

To Berdan

U.S. Legation Yokohama

Japan January 22nd, 1873.

No 341

Hon

C. C. De Long.

U.S. Minister

DEPARTMENT RECEIVED FEB 25 1873 OF STATE.

- Contents -

Wm. C. Peshine Smith found by U.S.

Consul Shepard for failing to Register.

Correspondence between Consul Shepard

and myself & enclosures. Also newspaper

report of the trial and judgement.

Enclosures 2.

No 341

Legation Yokohama
Japan January 22nd 1873

Sir.

I have the honor to advise you of the receipt by me on the 15th inst of a Note from C O Shepard Esq Consul for Kanagawa Japan advising me that Prof C Pechmie Smith had declared openly in his Court when on trial for failing to register that Section 1st of the Consular Court Regulations for this jurisdiction had been disapproved by you and instructions to that effect had been sent to me, inquiring if this statement was true &c. (Returns No 1) 1/3447

To which on the 14th inst I replied confirming the assertion imputed to me

Hon Smith

Hamilton Fish

Secretary of State

Washington D C

2/
1841 Smith. (Enclosure No 2)

For your further information I beg leave also to submit herewith copy of

8/
1841 the published proceedings of the trial of Mr Smith with the cause of the judgment entered by the Council. I feel that any comment upon my part is unnecessary

I have the honor to remain

Sir

Your Most obedient Servant

C E De Long

List of Enclosures

No 1. Letter of C O Shipard

No 2. Reply of C E de Long

No 4 — ~~Ref~~ Published report of the proceedings in the Consular Court

Copy.

No 16. U.S. Consulate
Kanagawa Jan. 11. 1873

Hon C.E. DeLong
U.S. Minister

Sir

During the hearing today in this Consular Court upon a Summons issued against him for non registration Mr Erskine Smith stated most emphatically that the particular section of the Consular Court Regulations requiring American Citizens to register has been disapproved by the Department of State and that such disapproval has been communicated to you.

I have the honor therefore most respectfully to ask whether or not such a statement has foundation and whether or not upon the files of the Legation there exists any approval or disapproval of all or any part of the Court Regulations issued by yourself.

I have the honor to be

Sir
Your obt Servant
C.E. Shepard
Consul

No 15. U.S. Legation
Copy Yokohama. Jan 14/73

C.O. Shepard Esq^re
US Consul
Kanagawa

Sir

I returned and the receipt of your No 16 of date the eleventh instant, in which you advise me that Mr Pelham Smith has stated in your Court that the particular section of the Cons. Court Reg.^s requiring American Citizens to register had been disapproved by the Department of State and such disapproval had been communicated to me. asking me if such statement was true. I beg leave in reply to advise you that the statement is wholly untrue and should upon reflection have received no credit at your hands for the following reasons 1^st The Act of Congress by which these Regs were promulgated by me, provides that they shall be binding and obligatory until annulled or modified by Congress. (See Sec. 5. p. 73 Vol 12 US Statutes at Large) Therefore the Dep.^t of State had no power to approve of these or similar Regulations. 2^nd It would have been my duty immediately upon receiving instructions from the proper authority annulling or modifying these Regulations in whole or in part. to have at once so advised all US Consular Officers in this Empire

The Hon the Sec of State in his despatch No 44 of date the 20^th December 187[illegible] replying to my despatch forwarding these regulations to him says. "I "regard the 2^nd Sec. of the Act of July 1. 1871 (Revised Cons. Regs. p. 78. to 922) as intended to provide

for

for the establishment of Regulations in Countries where we have no Diplomatic Representatives, and shall therefore submit the Regulations transmitted by you to Congress for revision without assuming for myself the power or duty of disapproving or amending them.

In the same letter the Honorable Secretary of State in discussing the Sections of the Regulations and questions, says: "This may be "a very desirable Regulation, but it must be "submitted to the judgement of Congress. "Whether it be or not of a purely legislative "character, directing private rights and a "manner not authorized by Congress nor so "far as known by the Govt of Japan"

To this dispatch I replied giving my reasons for having promulgated Section 1 of the Regulations, to which the Honorable Secretary again made answer, in his No 88. of the 20th May 1871. in which he says "My "remarks were intended to accompany, and did accompany the message of the President submitting the Consular Regulations to the consideration of Congress. They were designed to attract if possible the attention of Congress to the doubts and difficulties which embarrass our Diplomatic & Consular offices in the exercise of their judicial functions in Mohammedan and Pagan countries

and induce appropriate legislation to supply the lack of legislative power in these offices. I was accordingly more solicitous to indicate all the points upon which it seems possible to raise a doubt or objection than to express any personal judgment which would agree with yours as to the expediency of more than one of the Regulations the confirmation of which by Congress is desirable to preclude a question as to their binding force.

As no other correspondence relative to these Regulations has passed between the Department of State and myself, and in view of the fact that Mr Smith was at the time this correspondence passed employed by that Department, it seems strange to me that he should have made the assertion you impute to him. The President of the United States by message dated January 27 1871 transmitted these Court Regulations to Congress with certain papers accompanying the same where they have ever remained without any action having been taken relative to them by Congress and consequently remain in full force and effect with the exception of Section 23 pas-

page 4. which for certain reasons known to yourself I have instructed all U.S. Consular Offices in this Empire to regard as inoperative. One of the papers transmitted by the President with these Regulations to Congress was an opinion delivered by Mr Everhard Smith, to the State Department of the United States in connection with the collision case of the R.M.S. Normanton with the British steamer "Osaca" on that basis. In the course of that opinion in which Mr Smith upholds the jurisdiction of Consular Courts in Japan he says. "The appellants may ask this Department to declare the decision of the Consular Court void for want of jurisdiction over the subject matter. One of the grounds is, that the Treaty only confers jurisdiction in controversies between Japanese subjects and citizens of the U.S. This is in terms true. I am however not prepared to admit that the Treaty literally construed is the only source of jurisdiction

The custom of the various Powers, sanctioned by the tacit consent of the non christian nations in which they have planted Consuls, may be properly regarded as defining and confirming their jurisdiction exercised in cases where there is no express grant by Treaty.

What in the Levant was called 'the custom of the Franks', established a Consular jurisdiction which Treaties rather recognized than confirmed.

If the power of any state to regulate and judge its own citizens abroad, all that is wanting, is the consent of the Power in whose territory they are sojourning. While a Treaty is the most solemn and authentic evidence of its consent it is not an indispensable evidence. Continued acquiescence in the open exercise by Consuls of jurisdiction in a given class of cases, proves such consent, which may indeed be revocable when the acquiescence has been for a brief period or in infrequent instances but which ripens with the efflux of time into an International law controlling the relations between the Powers concerned

When China and Japan became open to the subjects of the Western Powers, the latter imported with them the views and practices in regard to exterritoriality which has been matured through ages in the Levant.

"There were recognized in part by express convention, and in part by tacit acquiescence."

The excellence of this reasoning causes me to refer to it here, in support of your jurisdictional right to compel all American citizens in Japan within your Consular jurisdiction whether in the employment of the Japanese Government or otherwise, to enroll their names upon your Consular Register as such a course has hitherto been constantly followed with the knowledge of the Japanese Government without any objection on its part having been made and hence, its tacit acquiescence and consent may be inferred.

As

As you have already decided the question of Mr Smith's citizenship it is unnecessary for me to enter into any argument to show that a man may not shift his allegiance from one Power to another with a suddenness and unceremoniousness with which he might change his coat.

That inasmuch as by authority from the Minister for Foreign Affairs of this Empire, I am able to advise you that Japan has no naturalization laws and hitherto never has naturalized the Citizens or Subjects of any other Power, it is very certain that Mr Smith is not a Japanese Subject. and consequently must still be held as in allegiance to the land of his birth. On the quotations I have given from the despatches received by me and also from the opinion given by Mr Smith when he was Examiner of Claims in the State Dep^t of the United States, I have taken

the

the liberty to italicize such sentences as I wished especially to draw your attention to. Inasmuch as the statements of Mr Smith have been given great publicity by the press of this city, it is desirable in order to correct any erroneous impressions that may have been produced, that this note may be read by you in delivering your opinion with a view of giving it equal publicity.

In conclusion, I beg to state that it is not true that any circulars issued by the Department of State of the United States instructing United States Officers to regard Americans in the employ of the Govt as not being under American protection, but subject to the laws and authorities of this Empire has been received at this Legation, nor do I presume any such will be forwarded hereafter by the establishment of a judiciary governed by published Statutes and rules of practice conformable to such as prevail in Western States. I shall

shall have satisfied our Government and others Neutral Powers that no necessity longer exists for their omitting from the doctrine of exterritoriality

I have the honor to remain

Sir,

Your most obt Servant

C. C. Clay

Rebels, to Yancey No 150.

No Legation Japan
C de De Long Minister

Dated Jany 23d 1873

No 341

Thos Enclosures.

Wm E Perkins Smith
fined by Consul Shepard
for failing to Register
Correspondence on
the subject

The Japan Gazette

MAIL SUMMARY.

AND

SHIPPING AND MARKET REPORT.

PUBLISHED TWICE A MONTH.

Per. P. M. Str. "Japan." YOKOHAMA, THURSDAY, JANUARY 23RD, 1873. Single Copy,.....50 cents. Four Copies...$1.00 Ten Copies,...$2.00

The Japan Gazette
MAIL SUMMARY.

FROM 23 DEC., 1872,

BIR

On the 23rd Oct., at Pe
the wife of H. N. LAY, of
On the 5th January, the
Esq., of a daughter.

MARRIED.

EVERS—HAMMOND.—On the 26th Oct., at Hamburg, Aug. Evers, Consul for the German Empire at Hiogo-Osaka, Japan, to Mathilde Caroline, youngest daughter of the late G. C. Hammond, of Hamburg.

At the British Legation, Yokohama, by the Revd. E. W. Syle, THOMAS J. LARKIN, Superintendent of Telegraphs, Yedo, to AGNES K. BARRE, eldest daughter of the late Robert Barre, Esq., of Cork, Ireland.

DIED.

On 31st Dec., 1872, on board the Brit. barque *Pelham*, CHARLES MORGAN, seaman, aged 50 years.

On the 31st December, 1872, at Kobe, JOHN HERD, a native of Cheshire. England, lately in the Japanese Imperial Railway Service.

On the 12th, inst., after long illness, Mr. KAGETAKA WOOYENO, father of Kagenori Wooyeno, (Gaimu-shoyu) aged 63 years.

Jan. 22nd, of apoplexy, CARLO BARTESAGHI, clerk to Messrs. Dell Oro & Co.

Summary.

THE P. M. S. *Colorado*, which left this for San Francisco, on the 24th ulto. was the bearer of our last Mail Summary to Europe. We have all mails due to date—the latest being the English Mail of the 29th Nov., and our latest telegrams are to the 14th January.

The news of the death of the Emperor Napoleon, which reached this port yesterday by the English Mail Steamer from Hongkong, has been received with but few marks of emotion.

The affairs of this Empire which have engaged public attention are not numerous; though some of them are by no means unimportant.

The articles which go to represent Japan at the Austrian Exhibition were displayed in a yashiki in the castle during December last, and two days were specially appropriated to foreign [illegible] on the occasion of the [illegible] foreign representatives. [illegible] address was read by the [illegible] on behalf of the diplomatic corps, and graciously replied to by His Majesty.—See page 13.

On the 10th instant, the Empress gave audience to Mrs. De Long and Madame Butzow—wives respectively of the American and Russian Ministers. Her Majesty has expressed herself delighted at being allowed to bestow such honour.

There has been much political disquiet during the last four or five weeks; and some disturbances in the country have also produced anxiety in certain quarters. It is, however, utterly impossible to get the real facts, and we therefore refrain from publishing the mere rumours.

Much apprehension has been excited in the settlement during the past week, by the sudden and mysterious disappearance of Dr. Berlin, a gentleman who was well known, as having formerly been engaged as the interpreter at the Prussian Legation. It is feared there has been foul play.

Two women were beheaded on the 22nd at noon, at Tobe. One was executed for committing arson at Kanagawa, the other for strangling her husband.

Mr. Peshine Smith, the adviser on International Law to the Japanese Government, has obtained additional notoriety by an ineffectual attempt to renounce his nationality as a citizen of the U. S. A., and become a "poor, ignorant, heathen Japanese." A verbatim report of the proceeding will be found on pages 13 to 16.

The popular opinion that sheep will not breed in Japan has been proved a fallacy by the fact that thrt two ewes belonging to Mrs. Strandberg, of the Yokohama Hotel, have yeaned nine lambs, so that the "ill luck" in sheep breeding heretofore experienced by stock-raisers is probably attributable to improper feeding.

The lost tribes of [illegible] have been discovered (?) in so many parts of the world, that at least a hundred sets are on hand now, to represent the missing ten. A Mr. MacLeod, [illegible] Osaka, [illegible] insists that the Japanese are the true h[illegible] descendants of Jacob. He professes to find a similarity in the Japanese and the Cuneiform Assyrian alphabets, to find the Mia worship correspondent to that of the Kings of Israel before the captivity, and to find in the History of Japan the literal fulfilment of prophecy.

After long delay, Yokohama streets are at last to be lit by gas, the funds for the purpose being raised by voluntary taxation.

Hair-brushing by steam is the latest novelty introduced in Yedo.

The text of an Imperial proclamation has been published by the Local Authorities, notifying that, in the event of Japan being at war, young men of all classes—the husbandman, mechanic and trader, as well as the samourai—will be called upon to serve in the army.

Sangi-Okuma-Shiganobu has been appointed Chief Commissioner for Japan of the Vienna Exhibition, and also the Exhibition about to take place in England. Kobusho-Santo-shushi-Sano-tsune-tami has been appointed sub-Commissioner for Japan of the above Exhibitions. Benrikoshi-Uyeno-Kaganori has been appointed Minister for Japan at Washington.

The following is the result of the Kioto census of April last:—

Kioto City and District, including Fushimi, Yedo, &c.—Males, 283,188; Females, 281,058; —Total, 564,246.

Number of Temples.—Shinto, 147; Buddhist, 927.

City of Kioto.—Males, 119,110; Females, 125,773;—Total, 244,883.

967 Shinto and Buddhist Priests and 70 Nuns included in the above.

Ocean Postage is likely to be experimented on shortly by the Japanese Government, which is erecting a General Post Office, and about to engage a Foreign staff to assist in its management.

RETROSPECT OF 1872.

THE Treaty of Peace, Friendship and Commerce between England and Japan was signed at Yedo on the 26th August, 1858. On the 1st July, 1859, the ports of Kanagawa, Nagasaki and Hakodadi were opened to foreigners, and from that day the history of Japan became part and parcel of the history of the world. Two thousand five hundred years, during which it had existed as an empire, had given it a civilization of its own, and that too of no mean order; but it had stood isolated and aloof, and except for a very brief period in the 16th and 17th centuries it was a kind of Fairy Land to even the best informed of Europeans: a land which had been described as beautiful beyond description, abounding with good, generous hearted people, living in a state most delightful to read about; but strictly forbidding all but a favoured few from the outer world from entering their country at all; and even keeping a watch and guard over those, so as to effectually prevent their penetrating the inner life of the nation at large. Japan was in the world, but not of it; and but for the efforts made first by America, and subsequently by other Western nations, she would have remained so until this day. Whether she would have been happier than she is now had she remained isolated it is useless to enquire or speculate upon. That any portion of the universe should in this age of easy communication be permitted to remain closed is impossible. It is a mere question of time; and in 1859 Japan's time had come. We have not to dream over what might have been; we have to look at facts as they are. Two years after the opening of the ports, the first newspaper was established in Japan. Every year since then a retrospect of the preceding twelve months has been published, and in every instance, in spite sometimes of most tragical and untoward circumstances, such progress has annually been reported, as has ever proved the existence of a silver lining to the heaviest its own landmarks, by which the flight of time and the march of events can be conspicuously distinguished; and considering the bitter hostility that had in the early days to be overcome, both to foreigners and the improvements they introduced, it is even more of a marvel to those who have witnessed all the changes as they have taken place, than it will be to students of history in days to come, who will quietly sit in their sanctums and read without any special emotion either of wonder or of admiration, how a nation emerged almost in a twinkling, from the most bigotedly exclusive and stagnant condition, to take its place amongst the most progressive of civilized communities.

The year 1868 ought to be specially consecrated, as the era from whence dates the resuscitation—we were nearly writing, the resurrection of the empire. And from that period everything seems to have rolled along at railroad pace. Should we attempt to crowd into the space of an article or even of an essay, a list of the great and material improvements that have taken place, it would be found that the mere enumeration of them would occupy a space no newspaper could afford—yet we believe it would be useful, if only to show that in good truth there has not in the main been undue haste, but that the progress has been solid and such as is likely to endure.

The year 1871 was one which saw several very important measures effected, of which the country is now witnessing the good results. Among these, the remodelling of the constitution, the alteration in the ministry, and the bold step which followed thereon, of converting the Han or provinces under their hereditary daimios, into Ken or provinces under officers of the Imperial government, were the most important. They began to shew signs of the fruit which would spring from them at once. The Mikado and his ministers, for the first time, felt strong. The reforms they had wished to effect they were no longer timid in announcing, but they set themselves to work to regenerate their country at home, and to make her respected abroad. The Emperor gradually came more and more out of his seclusion, and the people had their privileges extended. Whilst His Majesty was openly driving in the streets of Yedo, and receiving, not only the accredited representatives of foreign nations and sovereigns, but even the principal foreign employés of the government, he could listen to the appeal on behalf of the out-cast Yetas, relieving them of the proscription which had been their lots for generations; and could also issue a proclamation giving to the common people, whatsoever their class, the permission to ride on horseback, and enjoy many other of the privileges theretofore pertaining only to nobles and samourai.

These things all had their significance; and we would that we could impart to our more distant readers some idea of the real vastness of these apparently insignificant things. The only way by which they can attempt to realize it is, by imagining their own sovereign pent up, and hidden from the gaze of his subjects like an imperial Mrs. Harris; his name used on all occasions, but without any personal power, and his actual existence doubted by some of his subjects, a matter of indifference to many, and yet his very rank superstitiously venerated as giving him place among the gods. Let them imagine this if they can, and themselves obliged to bow down to the earth even when a box containing any of his garments passed them; and forbidden to wear clothes of any but a certain kind, or to ride except in a common kango (an instrument of torture rather than a decent conveyance for a man) borne on a pole of a recognized length and quality and on the shoulders of two dirty coolies. If our friends abroad can picture themselves as living in such a state of real slavery, (although so long as the Japanese were isolated they did not feel it as such) they may then perceive how much was involved in such home changes as we have alluded to.

But it was not only at home that it was desirable to cast off fetters. It was determined that the world should see what had been done; and that competent persons from this empire should also see by actual contact with the peoples with whom they were in treaty, wherein Japan was lacking.

Every restriction was removed from those who wished to visit foreign countries, and even the nobles were permitted to take their wives and families with them if they wished,—a privilege some were not slow to avail themselves of. And to crown all, the last Pacific Mail steamer which which sailed for San Francisco in 1871—the ill-fated *America*, conveyed from these shores that embassy which has received such a cordial reception in the United States and England, and is now being similarly glorified (there is no better word to express our meaning) on the continent.

The year 1872 dawned then upon a Japan very different from that on which its predecessor had found. 1868, 1869, 1870 had all done their work. If they had not prepared the way, 1871 could not have accomplished what it did. For it had, in the few matters we have mentioned, accomplished more than they all. The year 1872, from its first day, began to shew the fruits of its forerunner. On New Year's day the Mikado visited the Yokoska Dockyard, making what may be esteemed his first public appearance among Japanese and foreigners alike, seeing them and giving them the opportunity of seeing him without any of the old exclusiveness. From that day the Mikado has occupied a totally different position in men's minds from that he held before He has never since been an object of comparaitive ndifference to them; but has throughout the year been much before them; and the favourable opinions he then elicited have gone on increasing, until now we may speak of him, at least so far as the cities and places he has visited during the year are concerned, as a sovereign whose kind disposition, easy demeanour, and good sense are always apparent; and if he continue as he has begun, there can be no doubt of his becoming a most popular and a most excellent constitutional monarch.

The Mikado's visit to Yokoska gave so much gratification to His Majesty, that he did not return to Tokei until the third day. Everything about the works that could interest the Imperial visitor was shewn. He witnessed the engineering labours that were going on in the various workshops; he saw how iron castings were effected—and that, too, somewhat more closely than was quite pleasant; for, one of the moulds being somewhat damp, a slight explosion took place, by which His Majesty, in common with all the other witnesses, had to sustain a shower of red-hot sparks—which, to do him justice, he did without any exhibition of alarm or any disturbance of the placidity of his countenance. The power of the steam hammer was exhibited to him, as well as its extreme manageability; and the patent slip and graving dock both exhibited their uses—from the former a small steamer being launched, and from the latter the hull of the fine old Australian liner the *Tiptree* being floated out. Since that day the Mikado has made many appearances in public, and has even made a progress by water to several of his Southern ports. But even on this, the first occasion of his really permitting the general public to join in any ceremony with which he had to do, there were many who began to raise the cry that the progress of Japan was too rapid.

Early in the year, one of the results of the prolific harvest of 1871, became apparent. The government, without rescinding the law against the exportation of Rice, notified that in future the Okurasho, in seasons of plenty, would sell Rice from the government godowns for export in such quantities as seemed proper to them. The sale was to be by public tender; but it was managed in such a way that the system was a failure, and practically one foreign firm became the agent of the government in the export; and the total quantity shipped from Japan fell far short of what was expected. It has been so much the custom for government subordinate officers to get "squeezes" out of the transactions they have been intrusted with, that they will not willingly see the introduction of a mode of business which deprives them of their old perquisites; but the men at the head of affairs are of the right sort, and doubtless the days are numbered of such obstructions as have been hitherto put in the way of trade by those who looked for pickings.

The Christian question came prominently forward in the month of January; and it seemed that on the remonstrances of foreign representatives, the government had determined upon a more liberal policy with regard to religion than it had hitherto adopted. At the two extremes of the empire, Nagasaki and Hakodadi, natives who were condemned to punishment for their religion's sake were not only pardoned, but returned to their homes in peace. During the

year, others who had been deported long ago on the ground of their Christianity were restored to their homes, and there is an evident tendency towards universal toleration in religion; but until we see that all the Christians who were deported from their homes some three years ago, are restored, and that a general order comes out giving liberty of conscience to all, we shall abstain from much commendation of the government on this point. So long as the edicts against christianity are unrepealed, and remain on the public notice boards, the government, when weighed, must be found wanting.

Among the minor matters of the opening months of the year was the payment by the government of all the debts due from the dispossessed Daimios to foreigners. Having taken all their possessions they paid all their debts, and thus left them freer and more truly independent men than they had ever been as princes.

The treaty between China and Japan was published from the China papers in March. In it was a clause which the Japanese were most anxious for, making the treaty "offensive and defensive." This has had to be reconsidered.

There were several *émeutes* in various parts of the country about this time, and they have continued from time to time to a greater or lesser extent all through the year. In every instance the government has been enabled to put them down. In the month of March some excitement was caused in Tokei, by a report that some ten or twelve men had attempted to force their way into the castle with a view to an assault upon the Mikado. Foreigners were notified that there were suspicious persons in the city, and that they must not go out without the government guards. This was complied with by the foreign officials, but no one else troubled themselves to send for such very questionable protection when they went about the city. Of the men who presented themselves for admission to the castle, four were shot, and the rest taken into custody. The Satsuma men then in Yedo, soldiers, officers and civilians, were extremely indignant at the conduct of the castle guards in firing upon the men, and demanded the release of those who had been captured, at once, and without examination. From that day to this, although we have made many inquiries, we have not been able to learn what was done with them.

The month of April had hardly begun, when a fire broke out in Tokei, which in about five hours, made a clean sweep, from a yashiki in the castle right away to the sea at Tskidji, a distance of fully a mile and a half, and for a breadth of over half a mile. It was at about 3 o'clock P.M. of the 3rd April that it broke out, and by 8 o'clock it had nearly exhausted itself. The official return gave as the loss—17 Government offices, 287 Government houses for retired officers and pensioners, 60 temples and 4,753 houses. The number of persons burnt out was 20,272. The immense clearance gave the authorities an opportunity of preventing the reconstruction of the old inflammable houses, and the Governor of Tokei-fu at once set the foreign staff of Engineers and Architects at his disposal, to work to lay out the ground on an improved plan, and to design and see to the construction of brick houses. These have been progressing but slowly on the main street, and all of the rest of the ground is still left with the little shanties hurriedly run up after the fire, the proprietors having received orders not to build until the authorities give them further instructions.

As a sign of the times may be mentioned in passing, that Enomoto, the Tokugawa Admiral who took the fleet up to Hakodadi and held the Island of Yeso for a time, against the Imperial forces, was appointed to an office in the Agricultural Department, and sent to Yeso to superintend the colonization taking place in the northern island in connection with the department. Nakai Gemba no Kami, one of the Tycoon's commissioners who signed the original treaty with Great Britain, and who was also at Hakodadi with Enomoto, was made second chancellor of the Mikado.

An exhibition on a very modest scale was opened about the middle of the month, at Seido, the old Confucian College in Yedo, and on the 20th the Mikado paid a state visit to it. It had more of the character of a museum than of what we consider an exhibition; but it contained many things which were well worth seeing.

An exhibition of a far more pretentious character was held at Kioto. It occupied three large temples at some distance from each other: and the most interesting feature to be mentioned in connection with it is, that during the time it remained open, foreigners were allowed to visit Kioto; and all who did so were exceedingly well received. The exhibition is to be repeated on a grander scale this year, and there can be no question that it is calculated to do much good—for already the Kioto artizans are considered the most intelligent and the cleverest in the empire, and of the class most likely to reap advantage from such displays.

The widow of the late Emperor and mother of the present, arrived in Yedo from Kioto, in May. The present Empress went some eight or nine miles on the road from Yedo to meet her and accompany her into the Eastern Metropolis. The Emperor went as far as Shinagawa, a suburb of Yedo, about four miles from the castle. The mode of conveyance adopted by the Empresses was the old fashioned norimon, but since then the Empress dowager has been several times seen in the vicinity of the castle in one of the Imperial carriages.

Shortly before this, a public notification had been issued in Yedo, which we should not here allude to, but that the same subject has been occuping the attention of both Japanese and foreigners within the past month. It was giving permission to Japanese to adopt the foreign mode of wearing the hair. Many Japanese women, being of opinion that foreign women cut off their hair, availed themselves of the notification and had theirs cut short. Another notice was issued, telling the women, that the authorities had no idea that females would think the former one included them; and stating that in no country in the world do women cut off their hair—it would therefore be forbidden here. The way in which the subject has lately been brought forward is by a report that in future the women's hairdressers, (for in Japan no woman dresses her own hair) were to be abolished. We are not aware whether it is actually being enforced; but we fancy it is not.

One of the greatest advances made by the Japanese government this year, is one that has been effected very quietly; but is likely to be of immense benefit to the country. We allude to the establishment of a General Post office. It has already proved of much use, and is beginning to be appreciated by the people. We cannot speak highly of the regularity of its deliveries as yet, but it is a good beginning, and one that will either this year or next be greatly extended. The Japanese government intend to build a handsome edifice, and have engaged foreigners experienced in Postal business to carry out this department in a thoroughly practical manner. Then the present system of separate Post offices for the English, French and American Mail services will be done away with, and the whole be in Japanese hands. If carried out well, as there is every reason to suppose it will be, this will be one of the soundest of all their recent improvements.

In April, the first number of a newspaper in the Japanese language, but on the foreign system, was published in Yedo. It was named the *Nisshin Shin-ji-shi*, and at once attacked some of the abuses prevalent among the Japanese—Notably, the indecent exhibitions in the streets, and the enormities of the traffic in female children for purposes of prostitution. The first was immediately and peremptorily stopped. The latter was a larger and more difficult subject to deal with; but it came under the discussion of the parliament, and its abolition was voted. In consonance with this vote, the government took action towards the end of the year, and this traffic is totally put an end to.

An effort of a very commendable character, having for its object the general education of the people, sprung up about this time—or rather was most vigorously promulgated by the government department having such matters under its charge. A scheme was announced by which over 500 schools were to be established in the empire; and in most of these it is designed that the English langnage shall be taught. According to what we have seen hitherto, we have little confidence in the way in which English or any foreign language is taught in schools in this country, especially if it is left to Japanese tutors, not one in a hundred of whom can pronounce a single foreign word correctly. One thing, however, that we have learnt by experience is, that although hardly any can translate Japanese into English, there are many who can very correctly translate English into Japanese; and that of these latter very few indeed can speak a single sentence of English correctly, or even intelligibly. Still there is great ambition among the people to study foreign languages—more particularly the English; and the Education Department has issued a notification, which, however, up to this time is a dead letter, that the Roman character shall be studied and adopted for writing Japanese. Of late we have not heard quite so much about the schools, but we know that in some of the Ken or provinces, several have been opened.

The month of June saw a blow struck at the old priestly customs. The Council of State (Daijo Kuan) issued a decree permitting all priests throughout the country to eat any kind of food; to enter into wedlock; to let their hair grow; and even when at duty at their temples, to wear whatever dress they please. Since then, the Religious Department, which during the previous year had been reduced from its old rank—which placed it side by side with the Council of State—to an ordinary department was altogether deprived of a separate existence, and amalgamated with the Education Department. This has a peculiar significance at the present time, inasmuch as there is a general feeling abroad in favour of religious tolerance, and among the officials comptrolling priestly affairs are or were the most bigoted opponents of progress; whilst in the Education Department are some of the most strenuous upholders of it; and it is fairly to be inferred that these facts have greatly influenced the government in making the alteration.

On the 25th June His Majesty the Tenno embarked at Shinagawa on board the *Rioju Kan*, and started on that sea trip which we have already alluded to as his progress to the Southern Ports. He visited all the principal ports between this and Nagasaki, and from

Osaka went to Kioto. Throughout his trip, he was more free in showing himself to the people than he had ever been before. He everywhere went to the government offices of the places he arrived at, and visited the schools, lighthouses, and other public works in which foreigners were employed; in every case showing an urbanity and a suavity altogether unexpected. On his return, he landed at Yokohama, dressed in European costume, but made only a very short stay, and went as far as Shinagawa on his road to Yedo by railway.

It was on the 12th of June, that the railways between Yokohama and Shinagawa was opened for passenger traffic; and from that day onward the trains have been running with the utmost regularity and without accident.

In May, June and July, large parties of the colonizers of Yeso, left for their future homes. This scheme has been very much misrepresented and is very imperfectly understood; but it gives us much satisfaction to be assured as we write, that is it likely to prove very succeessful. Only seven months have elapsed since the work commenced, and already are there upwards of 300 houses in one place, and nearly 500 in another, where before all was wild. Minerals in abundance have been found. A silver mine, which was formerly worked, has been re-examined, and found to be rich, and to give great promise of profitable working. Coal has been found of a quality equal to Cardiff, but a road has to be made to the locality before a mine can be opened. Agriculturally, the prospects are equally good, and we are assured by one not likely to be led away by undue enthusiasm, that in a short time—perhaps within three years, Yeso will be an exceedingly important division of the Empire. As for the colonizing abilities of the government, they seem to be far beyond anything that could have been anticipated. They give every man a certain allowance of land and 100 rios, and besides this, rates and taxes are not to be charged for three years. The government is making roads and bridges, and giving every possible encouragement to the colonists—so that if anything can induce immigration, it is to be found there. The agreement with the people is that the first winter, during which they can hardly have made preparations either for comfort or for occupation, those wholike may come down to Yedo, in vessels provided by the Government; but it is expected that the second season will be amply provided for, and they will remain at their colonial homes. The climate is good, though the winter temperature is low. Indeed, three weeks ago, the snow was three feet deep at the new settlements, and it will be March or April before it begins to disappear. But all who have already commenced their colonial life there, are looking forward with great hope to the next season.

On the 24th May, Mr. R. G. Watson arrived to replace Mr. Adams as Secretary of Legation for Great Britain. His earliest official act was one which produced a change in the Imperial mode of receiving foreigners. It was the rule previously for His Majesty to receive the representatives of foreign sovereigns in a sitting posture. H. R. H. the Duke of Edinburgh had indeed been received by His Majesty standing, but he was the single exception to the rule. Mr. Watson, however, suggested that as the Mikado knew what the most honourable form of reception was, he should adopt it. The Foreign-office officials said the thing was impossible; but whilst the subject was under discussion, His Majesty himself settled it in the most practical manner possible, by receiving certain American officers, in a perpendicular position. It will later on be seen that His Majesty has gone a great deal further since then.

On the 3rd July, occurred a law case in Yokohama in what was known as H. M. Supreme Court in China and Japan, in which the Acting Assistant Judge having given a decision, against which the defeated litigant wished to appeal, it was found that this was impossible, except to the Privy Council. Fortunately the Chief Judge came up to Yokohama in August; and after hearing the matter most ably argued by Mr. Dickins, decided that the Court in Japan was a Provincial Court, and that right of appeal from its decisions to the Supreme Court in Shanghai existed. We particularly mention this in our retrospect, as it seemed a new thing to Englishmen to be practically without appeal.

On the 29th July, the Asiatic Society of Japan was formed. It is hoped that it will ultimately become a local branch of the Royal Asiatic Society.

On the 7th August an investigation took place in the Kanagawa Kencho, into a case of alleged cruelty, by the Captain of a Peruvian ship the *Maria Luz*, towards a Chinese—one of a cargo of coolies who were being conveyed from Macao to Peru, the vessel being driven into Yokohama harbour by stress of weather. This was the germ of long and protracted investigations, which ended in the Japanese Court giving a decision which is long ere this known through the whole civilized world; and which has been received everywhere with great and cordial satisfaction. They freed the whole of the coolies, who were subsequently returned to China. The case of the coolies was first brought before the court by H. B. M.'s Chargé d'affaires, Mr. R. G. Watson, and when it was so, neither he nor anyone else had an idea of the importance the case would assume. The opinion we held at the time was that the action of the Japanese Court could not be upheld either by international nor by any other law; and notwithstanding that Peru is but a small republic when compared with the Empire of Japan, yet that her naval force was more than a match for that of Japan, and that it was a pity this country, striving as it is to do much on very limited means, should have been placed in a position which might possibly involve her in hostilities. The Government, however, weighed the matter well, and decided to take all risks, and we are pleased to find that the greater powers, who certainly would have conducted the case in a more legal manner, even if they ultimately came to the same conclusion, have upheld the action of Japan. As it is, we are of opinion that should Peru make any demand upon Japan, it will be met at once in a proper spirit; and the affair being thus amicably settled as between the nations, Japan will always appear before the world as a chivalrous destroyer of a trade which has undoubtedly been conducted in the most iniquitous manner both ashore and afloat.

The next subject that comes naturally under our notice in the course of time is the state of feeling between this country and Corea. On this topic, out of three newspapers in Yokohama, one has boldly stated facts, against which the other two have contented themselves with launching invective. It is better now to leave it to time to determine the right and the wrong.

The appointment of diplomatic representatives of the Mikado at certain of the European courts is one of the innovations of the past year which cannot be passed over without notice.

Amid all the evidences of advancement with which we have been surrounded, one Japanese noble has stepped forward, and uttered a warning and a protest. Shimadzu Saburo—the father of the prince who has always been known as Satsuma since foreigners came to Japan; the noble whose acts in days gone-by led to the battle of Kagosima—sent in an address to His Majesty on the occasion of his tour, which, by the way, extended to Kagosima, and concluded it in these terms:—"He most humbly apologizes for his audacity, but the fact is, that by your Majesty's present system of Government, the fortunes of this country are daily declining; the Imperial line which should last for ever and ever, is in danger of falling into the vice called Republicanism, and he can see as clearly as in a mirror that Japan will eventually become a dependency of the Western barbarians. He can only sigh and weep."

On the 24th August, there occurred in Yokohama harbour an appalling accident, in the destruction by fire of the Pacific Mail Steamship Company's steamer *America*. It was the largest wooden steamer in the world, and the favourite ship of the line between San Francisco and China. The loss of life was great—not less than 60 hinamen, besides three or four Europeans. The ship had only arrived in the morning from San Francisco, and of the 260 Chinese passengers, who were going on in the ship to Hongkong, a considerable number were on shore—still there were enough to rush so madly on to one of the ladders, as to cause it to break and precipitate them into the water. Many had overloaded themselves with gold brought from the mines, and so were unable to save themselves; terrified in the panic, the Japanese coolies on the lighters alongside, by some egregious error, rendered little or no assistance. The Mail bags for Hongkong, $300,000 in treasure and a light freight were on board. At an official enquiry instituted before the American Consul, Captain Paul Shirley, U. S. N., and Captain Percy—assisted by H. E. the U. S. Minister,—the decision come to was that it was the work of an incendiary; and facts that have since transpired tend to confirm this conclusion.

On the 14th October, His Majesty the Tenno gave his presence at a state ceremonial opening of the Railway between Yokohama and Yedo. It was a very brilliant day, and a very brilliant affair for Japan. Platforms were erected at each of the termini, for the accommodation of the public, who received a general invitation (by proclamation) from His Majesty to be present. All the arrangements were carried out with strict punctuality—an almost unheard-of thing for Japanese; but the Mikado is obtaining the same character for this virtue as European sovereigns enjoy. The Ministers of state, the representatives of foreign courts, the heads of departments, and the principal officers, native and foreign, of the Railway and public works, were in attendance, and at each end of the line addresses were read to His Majesty and suitable responses given. At Yokohama, H. E. the Italian Minister, on behalf of the Foreign Ministers, read an address, to which the Tenno replied in person. An address by the foreign merchants having been read by Mr. W. Marshall, was responded to by the Minister for Foreign Affairs on behalf of His Majesty; and another address by the native merchants of Yokohama, was answered by the Governor of Kanagawa. The Mikado evidently enjoyed the proceedings highly, and bore his part in them, although so entirely novel to him, with dignity and complete self-possession. Since the line has been opened the entire

distance, the traffic has greatly increased, but as yet no goods trains are run.

In the month of October, Government made a move in a matter which had been long before decided upon—the abolition of the system by which young girls were sold to people who traded on their charms of person or accomplishments. All contracts of this character previously made, were at once rendered null and void—and thus one great blot removed from the escutcheon of Japan. The step was too sudden, as hardly any notice was given, and some difficulty arose in some of the Ken as to the best way of dealing with the social evil, now that every girl had become free; and it may be some time before things are put on a permanent basis.

The next event of note was the visit of the Grand Duke Alexis, third son of the Autocrat of all the Russias, to Japan. This afforded the Tenno an opportunity of still further innovations on his old mode of life. Not only was His Majesty seen with the Grand Duke by his side in his carriage, but even the Russian Minister has accompanied them. Further His Majesty received Madame Butzow, the wife of the Russian Minister,—the first foreign lady on whom this honour has been conferred. Since then, the foreign Ministers have been presented to Her Majesty the Empress, and Madame Butzow and Mrs. De Long—the latter the wife of the American Minister—have been specially received at Court, by Her Majesty.

At the conclusion of the hospitalities accorded to the Grand Duke in Yedo, the Mikado paid a visit on board the frigate *Svetlana*, when a select number of visitors were invited. His Majesty, from the bridge of the ship witnessed the operations of ship-board life, (being particularly amused with a capstan song); a boat-race was also improvised for the occasion; and subsequently, five of the Imperial Japanese Ships-of-War went through some manœuvres. After refreshing the inner man at the same table as certain of the most privileged, His Majesty landed, and returned to Yedo by train.

And so we came to the close of a recapitulation of the events of a year, which has certainly seen as much of real solid progress in Japan, as any that have preceded it. The last important act of the Mikado was to order that the old Lunar computation of the year should be altered; and that henceforward the months should run synchronously with the foreign calendar; a measure which, if it created a little inconvenience to the people, all of whom had to settle their accounts about a month earlier than they had bargained for, will be advantageous in many respects. It was also ordered that the day should be divided into 24 hours as with foreigners, instead of into twelve, as had been the ancient custom; and other changes will follow of a less important character.

Socially, life in Japan has been less dull than usual.—We have had our Race Meetings, Athletic Games, Regattas, Rifle Matches. and the prospect bids fair for a supply of gatherings for evening amusement, to which we have been long strangers. Viewing the course of the year from end to end, we have still the tale to tell of progress in the past and hopefulness for the future.

NEVER since this world was created have the human creatures existent in different regions enjoyed such opportunities of visual acquaintance with each other's appearance, manners, customs and surroundings as Fox Talbot and Daguerre have blessed them with. That the power of the camera should have been appreciated and employed as it has by the Japanese Government in preparing its contribution to the wondrous collection from the world's workshops, now forming round its Austrian nucleus, shews a recognition of the desirability of the intercommunication of far-off peoples, and a willingness to place the actual condition of the subjects of this Empire before those who are best able to contribute to their wants, as strikingly in contrast with the former isolation-policy of Japan as aught of the headlong changes we have heretofore chronicled. It was very shortly after the Government had determined to forward an Imperial contribution to Vienna, that there began the actual gathering of exhibits from all corners of the country, which has resulted in the fine collection now on view in Yedo; and it was, we believe, at that same time that the services of native and foreign photographers were employed to produce a truthful, if not a flattering, picture gallery of landscape views in Japan, and of groups of its people, to forward therewith. Messrs. Stillfried & Co. were engaged on this work in the island of Yesso, and have just issued a series of views from their atelier, a dozen of which lie before us. For these much attention may be predicted, and the frequent repetition of "Who are these, so wild and weird in their attire?" by chance observers at the Austrian capital, and perhaps subsequent study fraught with important results.

The impression made upon the mind by inspection of these is one of a hardy people in abject misery, dwelling in an inclement and sterile land, uncheered by any of the amenities of life, and dragging on a miserable brute existence. The character of the men appears well presented in a group of three—almost savage in appearance, clad in rough deerskin wrappers over kimonos of the ordinary Japanese fashion, and with feet either protected by common straw sandals, or lapped in skins. In cerebral development, texture of hair and skin, facial expression, and doubtless intellectual capacity, the individuals chosen to photograph seem to differ widely. To all, their unkempt hair and tangled beards impart a wildness of appearance—contrasting forcibly with the comparative comfort of the Japanese servants introduced in one picture as a foil—whilst in the faces and manner of all fear is legibly expressed; whether from exposure to the novel Ordeal of Camera, or from the habitual serfdom in which they are restrained, is of course impossible to determine. The gift of beauty, which has been to the Circassian such a fatal dower, has not been vouchsafed to the female descendants in Yesso of the Japhetic race, whose primitive ugliness of feature is artificially increased by moustachios tattooed along the upper lip to a point just under the cheek bone; and the general repulsiveness of the lowest class of Mongolian physiognomy is still further heightened by the manner in which the hair is cropped at a length of about a foot, parted at the side, and allowed to fall upon the shoulders. The female features approach more nearly the Malayan type than those of the men; but the softening in appearance that might be anticipated from this fact, is entirely nullified by the tattooing above referred to. On the whole, the impression produced is that the original possessors of the island may well envy the condition of Saxon swine-herds under their Norman masters, if it were half as endurable as Sir Walter Scott has painted it.

In the landscape pictures the artist has hardly been so successful as in his groups. There is frequent evidence of hasty masking, in vignetting the skies; and in one or two of the pictures the "central flare" which is apt to trouble photographers makes its appearance. This is especially noticeable in the view of Hakodate, the effect of an otherwise excellent picture being marred by its appearance. In the view of the snow-covered mountain ridge reflected in the lake of Komanatake, the other fault appears. They are, however blemishes which can never be entirely avoided—no matter what care be taken.

The views of Aino Temples,—two straw and mat covered huts, sheltering their idols perched on platforms about six feet from the ground,—of a village, with half-a-dozen of its people squatted on the road; and of Mori, give a good idea of the abject poverty of the people, and, like that of a wood path at Ninomiya, do credit as photographs to the operator. The latter is a "soft" picture in which the half-tones are well preserved, and one of the finest specimens of photography we have seen produced in Japan.

The following particulars respecting the Ainos, from the pen of J. J. Enslie, Esq., may not be uninteresting to visitors to the Yedo Exposition.

The clothing of the Ainos is made of a coarse kind of cloth, woven from the bark of a tree, and called by them *dooelsoo*. The cut of their garments (those of the men and women differing but slightly) is similar to those worn by the Japanese; but their manner of wearing their clothes is slightly different, as the Ainos do not fold their garments over from left to right, after the manner of the Japanese men, but from right to left, as the Japanese women.

The religious creed of the Ainos is the ancient Japanese "Shintoism," or the adoration of the Kamis. Their rulers have made many attempts to convert them to Bhuddism; but the only result of these endeavours is that the Ainos now rub their hands together as a form of worship before their gods, instead of raising the hands above the head, as they formerly did. Some few of the Japanese still adhere to this ancient faith; but there is a slight difference between the symbols of Japanese and Aino Shintoism—the former exhibiting a looking-glass, and a variety of white paper ornaments, as the symbols of their faith while the latter use a polished stone, and garlands made of a peculiar description of very white wood. The Ainos, however, have numerous festivals, some in commemoration of remarkable historical events, and others partaking of a religious character, though totally distinct from Shintoism. The grandest and most solemn of these festivals is undoubtedly the Sacrifice of the Bear, for which animal the Ainos entertain a strange sort of veneration.

The savage denizen of the forest destined to be exalted to the position of a god, is reared from a cub by the village chief, and the female most distinguished in rank and beauty enjoys the honour of being its wet-nurse As soon as the bear is two years old, he is carried in a cage to an eminence (previously consecrated for the ceremony), amid shouts of joy and the most inharmonious concert of various noises ever heard; while from time to time the bereft nurse utters the most piercing and heart-rending cries, expressive of her poignant grief. After this uproar has continued for some time, the chief of the village approaches the bear, and with an arrow gives him the first wound. The animal, previously maddened by the din around him, now becomes furious; the cage is opened, and he springs out into the midst of the assemblage. Then, at a signal given by the children of the nurse, everybody in the crowd wounds him with the various weapons they have brought with them, each one striving to inflict a wound; as all believe that he who fails to wound the bear has no claim to any favour from the new Kami, or god. As soon as the poor animal falls down exhausted from the loss of blood, his head is cut off, and the arrows, spears, knives, sticks, in fact, all the weapons by which he has been wounded, are solemnly presented to the headless trunk by the village patriarch, who requests the bear to avenge himself upon the weapons by which he has been insulted and slain. The severed head is then affixed to the trunk, and the dead bear is carried to the altar, where the *Kama Matsouri* (the Sacrifice of the Bear) commences, amid various solemnities, such as singing, music, and offerings consisting of everything the Ainos most esteem. The nurse, meanwhile, deals blows with the branch of a tree upon every one who has taken part in the bear's death. The flesh is then distributed among the

people; and the head is placed upon a pole opposite the hut of the chief, where it is left to decay.

The Ainos entertain great fear and profound respect for strength and courage; and this is the cause of their veneration for the bear—the strongest and fiercest animal known to them. Their most energetic comparison is the bear. A man is "strong as a bear," "fierce as a bear," etc. The bear is the burden of their national songs; and, in a word, this animal is the symbol of everything they think worthy of respect. To compare an Aino with a bear is the surest plan to gain his friendship; and it must be acknowledged that the merit the Ainos attach to the bear is more or less deserved, as the Yezo bear is the finest specimen of his species.

When an Aino has been killed by a bear, the father, son, or nearest relative of the deceased makes a vow to avenge his death by the destruction of the animal, and to bury the victim upon its body. The laws which Japan has imposed upon the Yezonese, however, forbid the latter to bury the bear with his skin and gall, which is held in high repute as a universal specific by the Japanese doctors. Nevertheless, such is the obstinate nature of the Ainos, their conquerors have not enforced upon them the observance of this law, and they have continued to adhere to their traditional customs.

Thus, it will be seen, the religion of the Ainos is a mixture of various gross superstitions; for, besides their Kamis or Kamois—which are also the gods of the Japanese—they have deified not only bears, but nearly the whole of nature. They have, however, no consecrated minister of religion. The *stona* (the oldest person in their villages) performs the religious services; and the altars of their gods are generally rocks on the sea-shore, aged trees in the forest, or the hedges which surround their dwellings. These altars are always ornamented with the heads of bears or deer, which are held to be the most agreeable offerings to the Kamis. The mightiest god of the Ainos is undoubtedly Yoshitsooni, a brother of the Shogoon Yoritoomi, who conquered Yezo, and gave a code of laws to its inhabitants. He is worshipped under the name of Foguan (the Master of the Law); and statues of this powerful deity, clothed in armour and carrying a large bow, are always seen on the summit of the mountains which surround an Aino village.

The only ceremony that follows the birth of an Aino child is the dedication of the infant to Kami; and the funeral services of this people are similar to those of the Japanese, with this additional ceremony: the relatives of a deceased Aino beat themselves with sticks, in order to increase their grief.

The marriage ceremonies of the Ainos are very simple, but singular and peculiar. When the preliminaries have been arranged, the bride, concealed behind the ample folds of a cloak, carried by a person who is styled the "go-between," is conducted into the room in which the bridegroom and his father are seated in conversation, the room being only lighted by a small charcoal fire. The bridegroom and his father continue their conversation, feigning ignorance of the young damsel's presence, until the "go-between" escapes with the cloak (as it is supposed, unobserved by the speakers, who still continue their conversation), leaving the bride alone with her future husband and father-in-law. Thus she remains until the bridegroom feigns, with an affected start of surprise, to perceive her, when he rises, lights a multitude of candles, previously arranged for the occasion, and the marriage ceremony is completed.

An Aino may possess several wives; and the women have, in general, the reputation of being excellent housekeepers. They are faithful wives and laborious helpmates; and, though they are totally devoid of any pretensions to beauty, their moral qualities fully compensate for their personal plainness. The Japanese always urge their wives and daughters to emulate the Ainoese; and when a respectable Japanese wishes to pacify the jealousy of his own wives, he invariably reminds them of the conjugal virtues of the Aino women. An Aino usually purchases his wives; and the price of a good helpmate is a sword, which the purchaser presents to the parents of the girl. The women assist the men in all their occupations; and hunting and fishing are as familiar to the female as to the male sex. History has recorded the names of several Aino women, who have immortalized themselves through their powers—alike against human enemies and bears. The Aino women tatoo the lips and chin—a process of beautifying by no means enhancing their charms in the eyes of Europeans.

The Yezonese do not offer sacrifices in remembrance of the dead who have died a natural death. These ceremonies are solely reserved for those who have been slain by bears; but they endeavour to obliterate every vestige of the deceased, by burning the hut in he has breathed his last, together with everything that belonged to him.

The language of the Ainos is primitive and poor, though harmonious and easy to acquire. The art of writing is unknown to them; and, as their language possesses no written characters, they have consequently no literature. Their national songs, their hymns to the god Foquan; to the sea (upon which they pass the greater portion of their lives, and which they have deified); to the forest; to bears, mountains, and Kamis, are transmitted from father to son. They commence and conclude all affairs of consequence with songs in honour of the gods, and there is a farewell which they chant to the sea and to the forests at the close of the seasons for fishing and hunting. At the close of the year they have a festival, with songs and dances. At this time they sing the following hymn:—

"To the sea who nourished us, to the forests that protected us, we present our grateful thanks.

"You are two mothers who nourish the same child; do not be angry if we leave one to go to the other.

"The Ainos will always be the pride of the forest and the sea."

Public Meetings.

The Gas Question.

ON THURSDAY, the 9th inst., a well attended meeting was held at the Chamber of Commerce to take into consideration measures for lighting the settlement. Mr. J. G. Walsh in the chair; Mr. Winstanley, secretary.

The Chairman, in opening the proceedings, said that the meeting had been called to see if it was possible to take advantage of the establishment of gas works in Yokohama to secure the lighting of the settlement. Several gentlemen had formed themselves into a committee for the purpose of making preliminary arrangements, and the result of their labours was before the public in the shape of the proposed resolutions and tables in the hands of the meeting. Three schemes of rating had been drawn out. In estimating the assessment on the rentals, and on the frontages, some errors had doubtless been made, which, of course, would necessitate careful revision. No doubt all were agreed that gas should be introduced in our streets, especially as the Japanese already had their streets lighted. The labours of the Provisional Committee were now terminated. With respect to the payment, they were to be entirely voluntary, but he felt sure that the general opinion was in favour of the scheme.

Mr. Smith proposed a vote of thanks to the Provisonal Committee for their great exertions in the matter.

Mr. Mollison seconded the resolution.—Carried.

The Chairman said they would then take the resolutions in order, it being understood that he proposed each.

Resolution I:—

"That it is desirable to have the settlement lighted with gas as soon as possible."

was then seconded by Mr. Baker.—Carried.

Resolution II:—

"That as no other scheme seems practicable it is expedient for the Community to take the expense upon themselves."

was then seconded by Mr. Farley.

Mr. Jacquemot said that he was, in a measure, opposed to this resolution. It threw the burden of the expense of the Community, and the money would have to be raised by a voluntary tax. Voluntary taxation in Yokohama had always been, and always would be, a failure; for though many would be willing to pay for lighting, others would assuredly refuse. They once had a scheme for cleansing the streets by voluntary taxation; but that failed, and the Government had to undertake the matter. If the lighting rate were agreed to, many would pay it for about six months, and then object and refuse; the result being the failure of the scheme. Beside this, the tax would fall unfairly. It could not be expected that the land-renters should pay the whole tax, and how could they ask their tenants to pay it? The answer would be—at least from those who held leases—that it was not in the lease, and they would not pay it. Indeed, he did not clearly see how they could be asked to do so, while, on the other hand, it would be unjust to ask the land-renters to pay what their tenants refused. He was quite willing to acknowledge that the lighting of the streets was a great advantage, and should be carried out if possible; but not by voluntary taxation. Again there was another view of the case. In authorizing a voluntary tax we should be allowing the government to insert the thin edge of the wedge. Hereafter, seeing that the streets were lighted at our expense, the government would want us to pay a voluntary police rate. "You paid the gas tax and you want some system of foreign police, why not secure it by a voluntary tax?" they would say, and how should we reply? His own opinion was that the matter should be left over till the revision of the treaties, and foreign Ministers should be urged to obtain the insertion in all the treaties of a clause giving to each foreign settlement at the open Ports full municipal rights, with powers to raise taxes for local purposes. It was possible to get such a provision, and then we might have gas, enforcing payment from the unwilling. He considered a voluntary tax impossible, and he would move an amendment urging the Ministers to secure such legal powers for the foreign settlement.

Mr. D'Iffanger asked how it would be if after six months people refused to pay; would those willing to be taxed have to defray the whole of the $600 per month?

The Chairman replied that this matter had received the consideration of the Provisional Committee. If the money was not regularly paid to the Gas Company, the gas would be shut off. If the residents of any block did not pay regularly, the gas would be shut off from that block.

Mr. Winstanley said Mr. Jacquemot was under some misapprehension. It was not intended to make the landlords responsible for the tenants. If the latter would not pay, the community could not help it, and must put up with the loss. As to the insertion of the charter clause in the new treaties, whereby taxation might be enforced, that he believed had already been pressed upon the foreign Ministers. The Community were most desirous of having gas, but if they waited till the revision of the treaties, they would have to do without gas for a long time; and the question had now to be settled whether or not they wished to go on having the streets dark, or would try to obtain their lighting by some temporary measure. The question of Mr. D'Iffanger was was merely a question of the supply of gas. In the event of a large number of people refusing to pay, it would then become a question whether the lighting of the whole settlement should be continued or not.

Mr. Smith thought that subject would come up afterwards, and so also would Mr. Jacquemot's observations. The proposition was that as nobody else was going to pay for the street lighting of Yokohama, the residents had to do it themselves. If nobody suggested that the Japanese government or some other kind friend should pay for it, the resolution might be considered carried.

Mr. Wilkin said Mr. Jacquemot was wrong in his arguments. It would be no hardship to ask the tenants to pay the tax; they were the people who would benefit by the streets being lit, and they would receive full equivalents for their money. If people failed to pay after a year, at any rate they would have had a year's lighting, and the community could then be only in the dark, as they were at present. The Chamber of Commerce also had strongly urged the introduction of the clause giving power for Municipal taxation in its suggestions to foreign Ministers. As to the supposed failure of voluntary taxation, it was by that means that they supported the Church, Fire Brigade Hospital and other public institutions. It was simply a question if the people cared about gas, or if they didn't. We were in the dark now, and could not be worse off. There was no plant to be invested in, no trouble to be taken, and all that had to be done was to pay month by month for the gas. If they waited for gas till the Treaties gave power to tax, they might wait another year, or perhaps two.

Mr. D'Iffanger said that in his experience of voluntary taxation the saddle was always put upon the willing horse.

Mr. Wilkin:—It is generally, but we have to do it, whether it's pleasant or not.

Mr. Walsh:—There's no other way to enforce payment of this gas tax, except by this scheme.

The resolution was then carried.

Resolution III: was—

"That provided the sum required for lighting the old settlement be limited to about $600 per month, the community agree to a voluntary tax in order to raise the requisite funds, provided the Japanese Government will supply the lamp post and lanterns, and the Gas Company lay the mains."

Mr. Smith wished to know if any correspondence had passed between the Provisional Committee and the Gas Company. Would the mains be laid and would the lamp-posts and lanterns be provided by the latter?

Mr. Winstanley said he had a letter from Mr. Benson in which he stated the Gas Company were prepared to lay the mains both in the settlement and swamp, and this was apparently being done as rapidly as possible. He had also several interviews with Mr. Benson and Mr. Robertson, who had given him to understand there would be no difficulty with the Gas Company; but an actual promise of the lamp-posts, &c., had not yet been obtained, although it was hoped that all would be satisfactorily settled. The Gas Company, however, would at any rate, be willing to furnish the lamp-posts and lanterns at a monthly rental of $45, apart from the charge for the gas. There were about 160 in the old settlement. He thought the details of this might be left to the Committee, and also that the Committee appointed would see it was the general wish that this settlement should be lighted, but not proceed to incur any expense until they had obtained sufficient signatures to the document proposed to be circulated to fully guarantee the sum required.

Mr. Piquet proposed that the details with respect to the lanterns, &c., be left to the Committee of Five to be afterwards appointed. Mr. Smith seconded the rider, which was carried.

Resolution IV: was—

"That provided the sum required for lighting the swamp does not exceed about $200 per month, the Community agree to pay a voluntary tax in order to raise the requisite funds provided the Japanese Government will supply the lamp-posts and lanterns, and the Gas Company lay the mains."

Mr. Wilkin seconded the resolution.

Mr. Piquet repeated his rider.

Mr. Winstanley said that there might arise some difficulty in the way of carrying out this matter, and he would like to hear the opinions of some of the property holders in the swamp on the subject. There was no hurry for discussing it, as the mains would not be laid for three months, which would afford an opportunity of seeing how the system of voluntary taxation worked in the old settlement.

Mr. Thomas said he considered the Swamp should be regulated on its own bottom. For the present, such blocks as were not occupied might be left out of consideration. He would propose, that the execution of the scheme, so far as regarded the swamp, should be deferred until they saw how it answered in the settlement.

Mr. Jackson supported, and Mr. Mollison seconded the resolution.—Carried by 30 to 7.

Resolution V:

"That such tax be paid by the tenants."

Mr. Wilkin seconded the resolution.—Carried with one disseutient.

Resolution VI:

"That the assessment for this tax be made on the estimated value of rental."

The Chairman called attention to the fact that the amounts estimated under the rental head were mere estimates, subject to subsequent correction.

Mr. Winstanley seconded the resolution and observed that of the three schemes, the rental basis appeared the fairest for computation of the tax levyable. Frontage would have been a good scheme, for it afforded a mode of assessment without difficulty, but he did not think it would be found to work fairer. The property scheme was open to many objections; but by adopting the rental scheme, the burden was thrown upon those who ought to pay.

Mr. Jackson agreed that the rental would be the fairest basis of assessment; otherwise on lots like those occupied by Messrs. Jardine Matheson & Co., the tax would be out of all proportion to the benefit received.

Mr. Smith was greatly in favour of the frontage scheme, by which there were only five lots (Nos. 1, 39, 88, 101 and 108), which, from extraordinary positions and peculiar shape, would be unfairly rated, and to these some allowance could be made. If the gentlemen present would remember that by the frontage scheme they would raise fully $120 a month more than was required, and that therefore some reduction could be made, and would also consider the difficulties of rental assessment, they would appreciate its advantages. Besides, the tax would be much easier to collect on the frontage than on the rental scheme. If new houses were built, the Committee would only have to measure the frontage to determine the contribution, while on the rental system they would have to assess the value, and would be extremely liable to make mistakes. He would move an amendment adopting the frontage scheme. Would Mr. Winstanley read for rates on which the assessment were based the the frontage scheme?

Mr. Winstanley said they were as follows:—100 feet and under, 3 cents; 100 to 150 feet, 2¾ cents. 150 to 200 feet, 2½ cents; 200 to 250 feet, 2¼ cents; 250 to 300 feet, 2 cents; 300 to 400 feet, 1¾ cents; 400 to 500 feet, 1½ cents; 500 feet, and upwards 1¼ cents per foot.

Mr. Wallace seconded Mr. Smith's amendment.

Mr. Winstanley pointed out that there many lots, such as 39,81,26, besides those alluded to by Mr. Smith, which would be too heavily taxed on the frontage scheme, while others would get off with a very inadequate rate; and, being pressed by Mr. Smith to make public the individual assessments on the rental scheme, refused—alleging that the Committee had determined not to allow them to be known.

Mr. Smith said that the assessments ought to be known, and if they were read, would show that the frontage scheme was the best. The meeting should not be kept in ignorance of these matters. He should withdraw his amendment.

Resolution VI was then carried by 22 to 5.

Resolution VII;

"That for the purpose of assessing the (rental) value of property, a Committee of Eighteen be appointed, to be sub-divided into six Committees of three each. Every such sub-division to assess the value of one-sixth part of the settlement. As soon as the whole assessment is completed, the lists shall either be published in the newspapers, or circulated, and anybody who has to complain of the amount he is assessed at shall do so to a Committee of Six, composed of one delegate from each of the above six sub-Committees."

This, seconded by Mr. Banduin, was carried, the Chairman pointing out that they had no funds to pay assessors, and it would not be fair to throw the whole work on one small Committee. At the suggestion of Mr. Piquet, the word "rental" was placed before value in the first line.

Resolution VIII:

"That the decision of this Reference Committee be final."

was seconded by Mr. D'Iffanger.—Carried.

Resolution IX:

"That all payments be made quarterly in advance."

was seconded by Mr. Winstanley.—Carried.

Resolution X:

"That a Committee of five be appointed to communicate with the Japanese authorities, the Gas Company, &c."

Seconded by Mr. Banduin.—Carried.

Messrs. Walsh, Banduin, Grégoire, Wilkin and Winstanley were then appointed as the Committee of five, having power to appoint the Committee of eighteen, chosen by ballot or otherwise from names submitted for appointment as assessors by assentors to the scheme now brought forward, on the proposition of Messrs. Baker and Farley.

The meeting then terminated with the usual vote of thanks to the Chairman, who observed that the meeting had not been so largely attended as the committee could have wished, nor had great enthusiasm been manifested—perhaps owing to the number of times the public had been fruitlessly called together to consider the question. We now, however, appeared to have arrived at a definite stage, and might possibly obtain what we required. The Committee had seen a good many residents, who had generally agreed to pay an equitable assessment, and though differences of opinion had arisen concerning the mode of arriving the amount at that assessment, yet whatever arrangement was come to, it would have to be revised periodically, and concessions made, until Mr. Jacquemot's suggested scheme of enforced taxation could be carried into effect.

Amateur Athletic Association.

ON THE 26th Dec., a meeting was held at the Gaiety Theatre to take steps for the formation of an Athletic Club. There were present, Capt. Hill (in the chair) Lieutenant Wright; Messrs. Barnard, Brent, Dare, Harriman, Mitchell, Reid, W. H. Smith, Snow, Talbot, etc.

The Chairman briefly introduced the subject, stating that for the purposes of such an Association a running path would be necessary, and this, it had been suggested, should be formed on a portion of the Rifle Range. It was not probable that any objection would be urged to its partial use for such a purpose. The cost of the necessary enclosure was estimated at $250, Mr. Davis having calculated the cost of the formation of the path itself at $125. Subscriptions to the amount of $250 had been promised, and a sum of $120, being a surplus balance from the last sports, now remaining in the hands of Mr. Hamilton, would probably be transferred by him to the present Association. About thirty members might be relied upon to join, and the financial prospects of the scheme might be estimated as under:—

RECEIPTS.

Subscriptions promised	$250
From Mr. Hamilton	120
30 Members, each $5	150
30 Subscribers, each $5	150
Total	$670

EXPENDITURE.

Path and Enclosure	$250
Advertising and incidentals	100
Momban	60
Available Balance	260
	$670

The entrance fees could not be calculated; but would probably enable the Association to offer valuable prizes for competitors. The programmes usually more than defrayed their cost by the proceeds of their sale, and an additional source of income would be the admission fees and contributions of non-members.

Mr. Brent proposed, Mr. Talbot seconded, and it was unanimously agreed to, that an Amateur Athletic Club be formed.

Mr. W. H. Smith proposed, Lieut. Wright seconded, and it was carried that a Committee of Five should be elected, and authorized to frame rules for the government of the Club, and the formation of a path and enclosure. The rules and byelaws to be submitted to a general meeting of members for approval.

The choice by ballot fell upon the after named:—

Messrs. Brent, Hannen, Talbot, Wright and Snow.

Messrs. Snow and Harriman proposed "That the entrance fee and subscription shall not exceed $10 together; that the annual subscription be $6 and the entrance fee $4. Subscribers of $5 and upwards to be considered members, with all privileges except that of competing for prizes offered by the Club."—Carried.

Messrs. Reid and Dare proposed "That gentlemen present be invited to enrol their names on the list of members; and that any gentlemen wishing to join the Club hereafter be proposed and seconded by two members and ballotted for in the customary manner".—Agreed to.

Mr. Brent proposed and Lt. Wright seconded "That the Club be called the Amateur Athletic Association of Yokohama."—carried.

Mr. W. H. Talbot, suggested that the opinion of the meeting be taken as to the choice of a site for the path projected. Personally he thought the Rifle Range the best that could be fixed upon, as it was quite retired, and a convenient distance from the Settlement. He thought it would be advisable to give the Committee full power to choose the ground.

Lieut. Wright thought it desirable to ascertain whether it would not be too far away for residents in the Settlement. The great idea in fixing the locality of such a path was for a man to put on his flannel and get as close to his work as possible.

Mr. Brent observed that the Swamp and the Rifle Range were the only places available. He went to see Mr. Russell Robertson, who thought there would be some difficulty in obtaining the requisite ground around the Cricket field, which itself had only been secured on stringent conditions. The cricketers were bound to allow the use of their plot by any of the inhabitants, and nearly every Consul had some condition to impose before it was at last obtained. For himself, he thought that even if permission were obtained to form a path in the ground set apart for a public garden, it would be impossible to make a charge to spectators of the public sports promoted by the Club. Everybody would naturally say, "as it is a Public Garden, we "have a right to come here without pay-"ment." It was not only desirable, but necessary, that a running ground should be enclosed, and this there would be no difficulty in doing at the Rifle Range. Distance had not much to do with the matter of selection. There would also be wanted at the ground a dressing room, a couple of bath rooms, and a well, the erection of which would probably be objected to on the Swamp. He thought the choice of site a matter which had better be left for discussion at a future meeting of members.

The Chairman asked if the military authorities had any objection to the use of ground on the Rifle Range?

Mr. Brent replied that Col. Richards and Capt. Bridgford had assured him that personally they would raise no difficulty. The object of the Rifle Range would not be done away with. Three sides of the ground would be fenced in, leaving the fourth side open, and the interior of the enclosure would always be available for football, or sport of that kind. The form of the path would be elliptical, its exterior circuit being 480 yards, so as to give a straight "run-in" of about 160 yards clear. The width of the ground would be 80 yards, and the path itself 12, and in some places 15, feet in breadth. It was decided to leave the choice of ground to the member's meeting, and the meeting separated with a vote of thanks to the chairman.

Church Meeting.

ON THE 31st Dec., a meeting of subscribers to Christ Church was held at the British Consulate, R. Robertson, Esq., in the Chair. A. J. Wilkin, Esq., presented the Annual Report, which shewed.

A balance due to Treasurer of	$ 276.99
And on Parsonage account	154.46
The Supplemental account shewed incidental expenses	1,191.00
Contributions of British Subjects.....	2,245.50
do of other than do	570.00
Received from Government.....	1,513.41

The report requested assistance to obtain an increase of the government grant to an approximate amount to that contributed by British subjects, and pointed out that if the latter's augmented contributions were not met by an equivalent, the efforts of the Committee are frustrated and the finances embarrassed. Last year the Government contribution was $ 600 less than the amount of those of British subjects, although the latter had received no assistance in the erection of the new aisle and the repair of the Church, which had been effected by private contribution and by loan. The report further set forth that Mr. Bailey had returned to England in March last, a handsome sum being raised to defray the expenses of the passage of himself and family. The Revd. E. W. Syle had been invited over from Shanghai to temporarily occupy the chaplaincy. A committee of gentlemen in England had undertaken the selection of a chaplain, and were prepared to act whenever required.

Mr. James presented the financial statement, which was as follows:—

RECEIPTS.

British Residents Subscription... ...	$ 2,245.50
Other contributions	570.00
Government Grant, 1871	1,513 41
Deficit	276.99
	$ 4,605.90

PAYMENTS.

Balance due Mr. Shand	$ 120.78
Chaplain's salary, 1872	3,294.12
Incidental expenditure	1,191.00
	$ 4,605.90

PARSONAGE ACCOUNT.

Proceeds of collection...	$ 81.50
Nine months Rent	141.18
Deficit	154.46
	$ 327.14

PAYMENTS.

Balance from last year	$ 131.14
Fire Insurance	140.00
Painting Parsonage	56,00
	$ 327.14

Mr. Murray proposed, and Mr. W. Bourne seconded, a motion for the reception of the Report and Accounts.—Carried.

A discussion then took place concerning the proposal to raise the pew rents, in order to pay off a part of the loans incurred on account of the organ and new aisle.

Mr. Jackson and Mr. Winstanley opposed the increase as likely to be unpopular.

Eventually, Mr. Wilkin gave notice that he would move at the forthcoming meeting for the election of office bearers "That a subscription list be sent round during the year for the specific purpose of raising a sum to reduce the loans upon the new aisle and the organ, provided Government are unfavourable to the proposed creation of a sinking fund."

Thanks were expressed for the services of the organists, and the kindness of the ladies who decorated the church, and the meeting broke up with the customary acknowledgment to the Chairman.

Notes on Passing Events.

On the 2nd instant, H. M. the Mikado received the members of the Diplomatic Corps. According to custom the senior member of the body (the Italian Minister) presented a congratulatory address on behalf of himself and his colleagues accredited to the Court of Japan, in the following terms:—

Sire, The Diplomatic Body presents itself before the throne of your Imperial Majesty to offer its felicitation and homage upon the occasion of the New Year, which, for the first time, Japan celebrates synchronously with Western nations.

The Diplomatic Body, which has of late witnessed the inauguration of so much moral and material progress under the auspices of your Majesty, sees in each wise innovation effected in this country, a fresh pledge of the good will

(fraternity) which unites Japan with those nations of whom we have the honour to be the representatives.

We present you, Sire, our sincere wishes for the prosperity of your August Person, of the Imperial Family, and of your country.

His Majesty replied:

Gentlemen of the Diplomatic Body.

It is with lively pleasure that We receive your compliments and congratulations on the occasion of the New Year, and We are happy to see you continue to exercise your functions in sound health.

Our dearest wish is that the Sovereign Heads of your respective Governments, may live continually in the enjoyment of profound peace, and perfect security; and we beg you to convey to them our loving sentiments.

After the presentation His Majesty invited his visitors to partake of refreshment in the banqueting saloon; and during the afternoon caused to be forwarded to the Legations, baskets of fruit, arranged in accordance with the Japanese rules of symbolical compliment.

On the 10th, Mrs. De Long and Madame Butzow were received at a Drawing Room held by Her Majesty the Empress, on which occasion the Mikado expressed his obligation to the U. S. Minister for the courtesy shew Japanese in the U. S. A.

NEWS ARRIVED on the 15th in Yedo, that troubles have broken out in the Owaké Ken, Kiusiu.

On the 29th December last, nearly 40,000 men assembled, and attacked and destroyed the village of Funai, utterly levelling the houses of the officials, and of some of the wealthy families. They then visited the village of Youdzuki; and when the principal officers of the Owaké Ken went to them and attempted to reason with the leaders they would hear nothing, but wounded some and killed others. They attacked the Kencho and attempted to burn the gate, which was only prevented by a discharge of fire-arms from within.

On the 2nd January, the disturbance continuing, the officers again tried to use persuasion to the mob, but again unsuccessfully—the men making a sudden attack with bamboo spears, killing two officers, and mortally wounding one policeman.

Before the dispatch left, tranquillity had not been restored, but the rioters had put in the following demands:—

1.—Cows and horses shall not be killed.

2.—Trees belonging to the Kami must not be cut down.

3.—The rules of the Kami and Butsz (Buddha) shall not be changed.

4.—The prices of all articles for sale in the towns shall be lowered.

5.—Government mountains to be ruled by the country people.

6.—All official salaries must be paid by government.

7.—All expenses (of Kens) to be paid by government.

8.—Prisoners must be released.

9.—Paper money now in use in the country must be exchanged for government paper money.

10.—Wages of labourers to be two masu of white rice.

11.—Government must pay the labourers at Idé on public works.

From the above hurried and probably rough translation, will be seen the amount of ignorance that prevails in Kiusiu, and that the Government ought to find no difficulty in settling the matter.

IN CONSEQUENCE of the recent rise in the price of petroleum in the United States, some merchants in Yedo, who have been largely concerned as middle-men in the importation of that article, have turned their attention to the idea of utilising the various mineral oils existent in Japan, and have been rewarded by the discovery of an oil-station about fifty miles from Tokio, which, if the future yield from its wells fulfils the expectations raised by the results of the test experiments made, will enable Japan to dispense with future shipments. Permission has been obtained to work the district under foreign superintendence, and for the purpose of procuring plant, a Company with a stock-fund of $50,000 is being promoted in the Capital.

A NATIVE MERCHANT, named Yamashiroya committed suicide on New Year's Eve. He was a resident in Yokohama, but also had houses of business at Yedo, Osaka, and Nagasaki. He is said to have been $200,000 behind hand with the Government, and knowing it would go hard with him on that score, determined on paying with his life for his losses. He therefore made out a statement of his liabilities and his intentions, which he personally left at the War Office, then returned to his house and disembowelled himself. Hardly was he dead, when officers, sent in haste by the Department, arrived to seize him; but baulked in their object, took his keys and books, and placed guards in the possession of his property. We hear other instances of self-destruction rumoured.

TO DAY an universal topic of wondering discussion has been the mysterious disappearance of Dr. Berlin, formerly interpreter to the North German Legation. In England, such unaccountable disappearances of individuals from the knowledge of their friends are far from uncommon; but in Yokohama, by reason of the comparative fewness of foreigners, and the close watch kept over their movements by the officials, none has hitherto been known; and, unfortunately, in this case there appears to exist little hope that the gentleman who is now being searched for may yet, like the Rev. B. Sleke, be found and restored to his friends.

From what our reporter can gather, Dr. Berlin had quitted Yamaguchi, where he had been engaged as instructor to the Ken, for the purpose of visiting Yokohama on business; and attended by a yakunin and his servants, took passage for this port in the P. M. S. S. Co.'s steamer *Relief*, amongst the other passengers being the Princes Philip and Augustus of Saxe-Coburg, and Mr. Zappe. All went well on the voyage, Dr. Berlin, however, being troubled by sea-sickness; but taking his place at table, and joining in the conversation and amusements which beguiled the tedium of the transit. At about twenty minutes past six on Saturday evening, the Kanagawa lightship was sighted, and about that time the purser saw Dr. Berlin leaning over the bulwark, looking out on the sea. From that time, nothing has been heard or seen of the missing man.

From the time of sighting the lightship, over half an hour elapsed before the vessel arrived at the anchorage, and as is usually the case on the termination of a voyage, the officers were too busy attending to the duties of their respective departments to pay much attention to the proceedings of passengers; whilst the latter, eager to land, are often apt to separate from acquaintances, trusting to meet them on shore. Such appears to have been the case in this instance. Each, engrossed with himself, appears to have imagined Dr. Berlin had landed in some other sampan; and even his boys—who, being in the steerage, were not entirely cognizant of their master's actions,—appear also at last to have shifted for themselves, and come ashore. No uneasiness was felt at his non-appearance on Sunday, it being supposed he had gone to Yedo, where it was known he was expected; but on Monday fears began to be entertained respecting his safety, and enquiries concerning him were set on foot by Mr. Mammelsdorff, who is an intimate friend of Dr. Berlin, and by the authorities of the North German Legation, but no tiding of him could be gained—the only contradictory statements found in the evidence procured being one to the effect that at the time the light was sighted he was on deck; the other, that at that time he was lying in his berth. The boatkeepers are unable to furnish any information as to the landing of any foreigner answering the description of his person, and the sendoes deny having received such an one on board any sampan. It therefore remains at present an unsolved question:—What has become of Dr. Berlin? Pending its solution the North German Consul has taken charge of his effects.

Dr. Berlin was a student at Bonn and Breslau, and had acquired his degree of Ph. D. at the University of Florence. During his residence of six or seven years in this country he had acquired a profound knowledge of the Japanese spoken and written language, and had also the reputation of being a skilful Oriental scholar. It is stated that he had $8,000 in his possession, and an order on a merchant in Yedo for $3,000. Search is now being made for the Yakunins who accompanied him.

So far as we have been able to learn, Dr. Berlin possessed not only a large fund of learning; but also was singularly gifted with *bonhomie*, and the tact of making friends, whilst he enjoyed to the full the pleasures of life which are to be found in Yokohama, and was most unlikely to have yielded to any sudden impulse of self-destruction; so that hypothesis may be promptly dismissed. There remain but two others to account for his death, should that have occurred, which it is sincerely to be hoped has not.—1st: Accident. 2nd: Foul-play—and two to account for his disappearance—1st: Insanity. 2nd: A desire of practical joking.

It is not for one moment supposed by those who know him well that a mere freak would have induced him to jest with his friends' alarm, nor is there the remotest cause to apprehend mental derangement or pecuniary embarrassment; and we fear that their gloomier apprehensions will be found only too well justified—Time alone can tell.—14th Jan.

We regret to state that as yet nothing definite has been learned respecting the fate of Dr. Berlin. Mr. Zappe, having taken possession of his effects on board the *Relief*, examined the Japanese servants who came up with Dr. Berlin in that steamer, and has, we believe, ascertained from their statements that a small portmanteau, presumed to have contained the money paid him at Kobe, is missing; but what amount of specie there was contained in it, cannot be learned until answer shall have been received from the merchants in Kobe, with whom he had business transactions. Search is now being made by the Government for the Japanese Yakunins who accompanied him, and it is most probable they will be found by to-morrow, when some information may be gathered from them which may clear up the present mystery; which, has to-day been rather increased by the statement of Constable White,

of the English Consulate, to the effect thath he being one of the first persons on board the *Relief* after her entrance into port, saw a tallish man, well wrapped up, standing by himself on the after part of the deck, apparently waiting for the vessel to anchor. At first he took this person to be one of the Princes expected, but now considers him to answer the description given of Dr. Berlin. It may be mentioned also, that whilst Mr. Zappe was conversing with Col. Shepard at the U. S. Consulate, upon the subject, the former was assured by a resident that he had seen the missing man in company on Sunday with Mr. K. E. Schmid, of the British Consulate. The latter—who was a very intimate friend of the missing gentleman, having known him in Geneva and at Basle, where he had pursued his theological studies—on the contrary, says that he expected Dr. Berlin from Kobé, and not seeing him on Sunday, concluded he was visiting at Mr. Mammelsdorff's, and had put off his visit to him on account of promised correspondence with him at Yamaguchi not having been kept up with due regularity. Mr Schmid was fully under the impression he was in Yokohama,—so much so, that on Monday, when breakfasting at an Hotel, a chit being sent to him "Have you seen Dr. Berlin?", he wrote a reply that he had not, believing that the doctor was somewhere about the Hotel, but had not yet accosted him.

Touching the possibility of temporary derangement, we have made minute enquiries, and find that Dr. Berlin was often singularly abstracted, and subject to fits of musing, even whilst walking along the streets or engaged in conversation, so that to strangers, or those who were not well acquainted with him, his manner appeared eccentric. A stooping gait, and down cast look, resulting from excessive shortsightedness, heightened this impression; and as he rarely used glasses, what with his imperfect vision and absent-mindedness, he often unintentionally gave rise to impressions that they had been slighted in the minds of acquaintance whom he might jostle without recognising.

The general opinion of his friends appears to tend to the idea that owing to his near-sightedness, he may have accidentally fallen over board; on all hands the idea that he wilfully terminated his existence is scouted in the highest degree as improbable, being, as he was, in tolerable health, supplied with ample provision for the present, and having friends at home who would have gladly assisted him in case of need. On the other hand, if Constable White's statement be at all supported by the quartermaster at the gangway from which the passengers descended, or by any of the crew of the *Relief*, a case of considerable suspicion will be made out, and one demanding the most thorough investigation. Although none such have occurred lately, the public mind has not yet let slip the memory of the suspicious deaths of sailors going off to their ships in 1870 and 1871.—15th Jan.

From information which has reached us today, we have reason to believe that the fate of Dr. Berlin will not continue concealed for a much longer period. We hear that in consequence of the inquiries which have been instituted, and the publicity given the case in this journal, evidence is now forthcoming which clearly proves that the missing gentleman duly arrived in the harbour on board the *Relief*, and that the circumstance which probably caused his death occurred very shortly after her arrival. An European has been placed in custody, upon suspicion of being concerned in the tragical event, and three other Europeans are under the surveillance of the authorities. A preliminary enquiry is now being made by the Minister representing the nationality of the person chiefly implicated, on the termination of which His Excellency has kindly promised to furnish the *Gazette* with a summary of the proceedings. Meanwhile, we abstain, in accordance with His Excellency's desire, from publishing the reports which have reached us—even to the extent, as will be noticed, of refraining from giving the nationalities of the persons suspected.—18th Jan.

Some more Japanese Princesses have just set forth on a Grand Tour—we say Princesses, because there never were Japanese seen in lands of dress-suits and gibus hats who were not straightway exalted in station by newspaper and popular acclaim—attended, as befits their rank, by a man of title. Their immediate destination is Vienna, where the popular voice says they are to grace a tea and saki-shop in the coming Exhibition, whilst the individual under whose fatherly care they are placed is Baron Stillfried. Their departure has been the source of considerable regret amongst their immediate acquaintance, but chiefly to their Dutch and Chinese "protectors," who objected strongly, but vainly, to being deprived of the companions of their joys and sharers of their sorrows Indeed, one went so far as to keep the authorities stirring until after midnight in the endeavour to prevent their emigration. From what we have ascertained it would appear that Baron Stillfried has arranged to erect a Japanese house in the grounds of the Exposition, for the sale of curiosities, photographs, &c., and recently made bargains with three Yokohama belles to accompany him to Vienna for one year to act as stall-keepers, for the sum of ten rios a month, and with two Japanese carpenters to fit up the house. The contracts were duly made at the English Consulate, approved at the Saibansho, and passports made out, before objection was made to the scheme by any one: but, on one of the Dutch subjects learning that his frau, instead of going on a religious pilgrimage, for the expense of which he had given her $10 had dispensed with the tedious journey, and was presumably saying her prayers at No. 59, his anger was aroused, and proceeding thither, he protested strongly against the scheme—it may be in not the politest of terms,—and, afterwards appealing to the Saibansho, induced the authorities to arrest his lady for indebtedness to the extent of $40, paid to her parents. The police went to work with a will, and stopped all the intending emigrants; and their guide, philosopher, and friend sought the assistance of his Consul, Mr. Robertson, who saw the head of the Judicial Department on the subject. Baron Stillfried offered to pay the $40 claimed into the hands of the Japanese Government or of his Consul, to settle the matter, if they would not hinder him from catching the steamer. The Judge, after hearing the pros and cons of the case, dexterously arrived at the following shrewd decision. That as the present law of Japan no longer recognises the existence of prostitution contracts, no complaint could be entertained on that score; but, if the complainant persevered in claiming damages for loss of service, and imagined he had a good ground for persisting in his complaint, he had better make it through his Consul to the Austro-Hungarian Consul against Baron Stillfried, in which case the Japanese Government had nothing to do with the matter.

The Annual Meeting to appoint officebearers for Christ Church took place on the 15th inst., present, Mr. Consul Robertson, Mr. W. H. Smith, Mr. A. J. Wilkin, and our reporter. The former, remarking that it would be a farce to go through the form of proposing people, intimated that he should exercise his power of nominating the committee himself. Mr. Wilkin declined to act again, it being his third or fourth year of office, and was formally thanked for his services. He also made his motion authorizing the trustees to collect subscriptions, specifically for the purpose of lessening the debt on the organ and aisle. Mr. Kent suggested that the Japanese government might be asked to subscribe. They had a foreign example for imitation in the action of the Dutch government at Java, where the subscriptions of the English community for their church were doubled by the British state aid, and supplemented by a Dutch government grant. Mr. Smith seconded Mr. Wilkin's motion, which was duly passed.

We note a new Sign of the times, which though trifling, is not insignificant, but may prove the beginning of a great industry. It is the opening of several shops in Tokei, at which old rags are bought, and assorted for the paper-maker. Heretofore, the Japanese—making all their paper from mulberry bark, rice-straw, and like substances—have looked upon rags as worthless. The value of old material thus wasted in Japan, would, in the aggregate, amount to hundreds of thousands of dollars yearly. One or two enterprising foreign firms have tried the experiment of collecting these old rags, and sending them to Europe as paper-making material; but owing to the great expense and difficulty with which the colour of the indigo-dyed rags is discharged, the venture was not sufficiently remunerative to encourage repetition. Now however, since the Japanese have affected the use of foreign cotton and woollen goods, their waste dry-goods stuff is more varied in character, and the dye generally less difficult to discharge. From this fact some natives, though unable to manipulate the valuable and complicated machinery worked in European factories, have just been encouraged to attempt on a small scale, the production of paper from rag pulp. Henceforth, each family will probably have its own domestic rag-bag, and the rag-man's store become an institution, as surely as it is in London or New York. Rag-pickers also will appear on the streets, and if they do not commit the easy mistake of raking other than orthodox *chiffonierie* into their bags, will be enabled to usefully follow a peaceable and sufficiently lucrative business. It is gratifying thus to notice that while the occupation of the wrester, the skull-shaver, the clog-maker and many another honest artificer or professional gentleman of Old Japan, is rapidly going, or, like Othello's, altogether "gone," other branches of industry are springing up; and since newspapers, books, and other things requiring printing-paper, grow daily more and more in demand, the new industry in paper may flourish side by side with the old. There will always be a great demand and many uses for the bark-made paper, which, still unrivalled for softness and toughness, is peculiarly adapted for many purposes, although inferior for printing to the European production; and only needs more general introduction into Europe to be adopted by fancy stationery and other trades for various needs of their business.

Doubts are often expressed as the thoroughness of Japan's new civilization, some refusing to allow that it is anything more than a thin lacquer in the great cities and in the open ports. Perhaps it is true that large sections of the country and millions of the people are as yet uninfluenced by the late changes, but the following letter from an American gentleman, resident in the city of Fukuwi, which is about 200 miles distant in a

straight line from Tokei, lying within twelve miles of the sea of Japan, gives a fair proof that in at least some places, the new influences are more than superficial :—

"At present, the Ken Cho officers are full of business. European time has been introduced, and new laws by the hundreds are posted on the local ko-sats. Foreign clothes are worn by many here, and queues will soon be a rarity. Barber's shops with their red sign-posts are numerous; you can buy almost anything at the Foreign store, and the tailors make a very good suit of clothes according to European pattern. Near the long bridge, (594 feet long) a large lamp, with a stone base and bronze top, has been erected. It is about thirty feet high, and is quite attractive. One government official residing in Daimio street, has fitted up a house in European style, and most of the officials have a room in their houses, fitted up as much as possible like a room in a foreign house. The merchants are using glass for their windows, and adopting many foreign contrivances about their stores.

The police occupy quite a fine building on Kato street, and the large castle gates and wall in that vicinity have been torn down, the moat filled up, and several houses are now in process of construction on the filled-in earth. All the white plaster, and bamboo ramparts crowning the castle walls have been taken down, and I think the outer moats will be drained and filled up, and the walls demolished. A small house, containing an immense drum, has been erected near the school, and the hours are announced by beating this drum, while the flag of the Middle School flies on its staff. A girl's school has been organized by a company of private citizens, in which English, as well as Japanese will be taught. Public decency is not forgotten. On every street several neat white structures have been erected, which are public water-closets. The streets are kept in excellent order, and jinriki-shas do a large business. Notwithstanding the ancient prejudice against wheeled vehicles—a riot of the coolies once being feared, should wheel-barrows, planned by the foreign teacher, be put into use—a few wagons have made their appearance. Two boats of American model ply daily between this place and Mikuni, twelve miles distant.—Mikuni is our sea-port, with its still unfinished breakwater, modelled after the Delaware Breakwater in the United States, by Mr. Sasaki, who had studied his American model n a personal visit to Delaware. In short, our city and people are changing so rapidly in dress, manners, and I believe, feelings and opinions, that a former inhabitant would scarcely know the same place The printing press at the school has a dictionary and a scientific work and smaller elementary books under way, and the semi-monthly newspaper is not the least among the influences that mould, if indeed, it is not actually creating, a public opinion."

WE HEAR that thatched roofs are to be the next things abolished by the Government, which proposes to turn its attention to the building of houses, as well as their furniture. One reason assigned for the abolition of mats is their likelihood of ignition by any embers from a shibachi or pipe falling on them, and smouldering on unnoticed till fanned into a blaze. It is under consideration now to permit the erection of no houses in future, unless provided with stone chimnies to burn fuel in European fashion, and to adopt tile roofing in place of the old-fashioned shingle or thatch. There can be no doubt that this measure will be salutary; seeing that in all large cities experience has taught the necessity of such legislation, and it will no doubt be much more cheerfully submitted to by the people than the doing away with their cherished tatamis.

BY WAY of Kagosima, we learn the arrival of the Japanese steamer *Bertha* at that port a fortnight ago, dismasted, from the Loochoos and O-ho-sima. After the fact of having encountered a severe gale herself, she reports a European vessel, name of which is not known, wrecked close by O-ho-sima, all hands lost, with the exception of the captain and two sailors The captain died from injuries received in the breast, soon after reaching the land. The sailors were washed ashore on portions of the wreck, and still remain on the island. Her cargo consisted of oil and beans, for Yokohama. The *Bertha* also has reported the loss, about the same time, during the prevalence of a severe typhoon, of a large steamer, name also unknown, on the Loochoos (south end), bound from Hongkong to Yokohama. About one hundred reported as lost, three men saved, and now at Nafakiang. The *Kanso-maru*, a Japanese steamer, is shortly expected, and will probably bring further intelligecne.—*Nagasaki Gazette.*

A LIST of twenty-four books published in Yedo during the past year indicates the public taste and desire in regard to literary productions. Almost all the books are translations, only two or three being original productions, and with one exception they relate to what were once foreign subjects. Seven are translations of foreign elementary works on Chemistry or Physics, four on Geography, two on American History, and three on Civil Law. One of the books is made up of the Japanese text of all the treaties of Japan with foreign countries; another is on "The Principles of Freedom," and another contains a full list of all Japanese officers above a certain grade. Such a thing as the production of real literature, like romances, poems, histories, plays, etc., appears to have ceased, for a time at least. Japan seems to be too busy with making history to make anything else.

THE INCREASING importance of the trade between Japan and the United States, is shewn by the fact that the exports from this port declared at the U. S. Consulate from Oct. 1st to 31st Dec., 1872, amounted in value to $1,616,778—an amount some $200,000 over the exports in the corresponding quarter of 1871.

ALL OVER Japan, along the highways, and in villages and temple yards, are to be seen memorial stones, of various sizes and shapes, inscribed with Chinese and Japanese characters—often merely water-worn slabs, set up unhewn, and engraved with the fitting legend. Sometimes they are broad, and smooth upon one side only; but the common form is that of an upright square shaft. The material is usually of that comparatively soft grey stone which seems to specially invite the lichens that grow so abundantly in Japan, flourishing on all stone and rock, rapidly eating out their hard face. Occasionally, one sees a column of granite or syenite covered with neatly-chiselled hieroglyphics. These stones are reared sometimes as historical of or monumental to some noted hero, saint, or sage; sometimes they denote a tomb or cenotaph; often they record prayers or charms; and occasionally they mark the scene of a notable event. A thorough study of their inscriptions will doubtless yield rich fruits to the scholar who makes them the object of his research. We read in the *Satsu Yo Shim Bun*, of the recently erection of such a commemorative stone in the village of Ushibubi, in the province of Yechizen, at the foot of Hakusan. Some years ago, one of those severe local famines (which were formerly frequent in Japan, as well as in other Asiatic countries, and which can never be entirely guarded against, or their horrors greatly mitigated, until railways, steamships and good highways are common) visited the province of Echizen and the country adjacent. How severe were the sufferings of the people, and how numerous the deaths from starvation is still mutely, but eloquently told, by the huge heaps of bones, clothes and rubbish of all kinds beside the charnel houses in the desolated district. During the famine, the then daimio of Echizen, did his utmost to relieve his starving people, and was therein especially seconded by a rich samurai, named Tanabe. During the years that have elapsed since the famine, the villagers have been too poor to remember their benefactors; but now, owing to good government and abundant crops, they have increased in prosperity, and have erected a large stone in token of their gratitude, and as a mark of honour to the old daimio and his faithful vassal, which sets forth their joint benefaction.

ON THE 9th inst., a fire broke out in the outhouses at the rear of the U. S. Consulate. It was fortunately extinguished with little difficulty, the damage being confined to the spot where it originated, thanks to the promptitude with which the Hook and Ladder corps pulled down the building.

IN MAKING up the collection of natural and artificial Japanese products for the Vienna Exposition, a number of striking, valuable and unique specimens of animated nature have been omitted, and this omission has been noticed by many of the visitors to the exhibition. Thus, if we mistake not, is absent that curious product of the seas of Japan, the "wonderful glass thread" or the *Hyalonema Mirabilis;* about which an able paper was read at the first regular meeting of the Asiatic Society, by Dr. Hadlow, R.N. The most beautiful specimens are found at Yenoshima, though they have been picked up occasionally on the coasts of Higo, Yechizen, and other provinces in Japan. The Japanese also call it "fude kai," or "pencil coral," and "priests' brush," since it greatly resembles the brush-like baton carried by Buddhist priests. The strange animal which is found in some of the lakes of Japan, and is called by foreigners, a salamander, would also have excited much interest at the great Exposition. A case of stuffed birds, representing the entire ornithology of Japan, and an aquarium of the wonderfully varied stock of Japanese fish will be missed from the collection. Comparatively few specimens of the varieties of coal were exhibited: while of the meteorites said to be so common we noticed none. It is to be hoped that in the permanent collections about to be established, these missing objects will make their appearance in the number and quality which their importance deserves. The excellently-mounted "human" skeleton which was noticed by so many, was made by a Japanese modeller—the man, as a Japanese informs us, who made some of the very fine wax figures in the Asakusa exhibition.

THAT CIBARIAN REPOSITORY on the other side of the Ogawa in Yedo, on the street running out from Riyogoku Bashi, has been declared a nuisance, or else it has yielded to the march of improvement, and greatly curtailed in proportions, removed to a little side street. This wonderful shop kept a full stock of "game in season," *i.e.* monkeys, bears, deer, rabbits, foxes, badgers, eagles, hawks, crows, boars, marmots, moles, martens, etc., etc., which furred or flayed, usually hung out in front of the shambles, and

diffused an unmistakable odour, for the distance of many yards to windward of their carcasses. To this shop, Japanese epicures resorted in search of monkey sirloins, badger cutlets, fox chops, bear roasts, and fried eagle. All kinds of carrion, chopped fine and mixed with onions, were standing dishes. Besides the Darwinian steaks served up from our primal ancestors, the bones and crania of the quadrumania were kept for Japanese medical purposes, while bear's gall was almost beyond price, being eagerly sought after by the native doctors. A lively picture of this shop in its glory—now numbered among the things that were—is given in Humbert's *Japon Illustrè*.

We notice that a piece of ground, hitherto unnumbered and vacant, adjoining the French Annexe on the Bluff, is being staked out and apparently prepared for building on. We are under the impression that this spot was made the subject of special representations to the Japanese authorities by Sir Harry Parkes, and left vacant in order to keep the Legation view open. In that case, he will probably not be gratified on his return to anticipate the erection of

—a slovenly unhandsome house
Betwixt the wind and his nobility.

The decision in the case of the people of the U. S. A. versus E. Peshine Smith was again indefinitely postponed to-day. Rumour has it that "Senate Document No. 20 in print" has turned up, and proved an exceedingly hard nut to crack. In the event of Mr. Smith's defence standing good, the fees hitherto paid by registered American citizens, together with the fines inflicted upon contumacious residents, clearly should be returnable. There is reason to apprehend that no such lucky chance will befall British subjects, on whom the annual "Certificate of Demoralization" (as the *Japan Punch* called it) is now being forced. The Order in Council clearly specifies that the term "Japan" means "the dominions of the Tycoon of Japan," and there is every reason to believe that the Order means what it says. However, there is no Tycoon,—or if there is, he has no dominions, unless his yashiki at Sidzuoka is so termed—but no change in or addendum to the Order in Council has notified or provided for any change in the Government. Since the letter of the Order is adhered to—except occasionally; for instance, under the rule which provides that the expenses of a debtor's maintenance in prison are to be defrayed by the creditor prosecuting the order against him,—as a rule, pretty strictly, British subjects ought to have the benefit of the omission to amplify the interpretation of the wording of the Order.—J. G., 16th Jan.

On Tuesday the 14th, an enjoyable evening was spent in the Camp in the School Room by the men of the R. M. and their friends, when the Glee Class of the Battalion, under the leadership of Sergeant Harrison, assisted by Mr. Pearson, and some good readers, gave a literary and musical entertainment which throughly diverted all present. A reading set down for Col. Richards was omitted, and the promised address of Sergeant Buzfuz replaced by a scarcely less amusing specimen of lovemaking on the opposite side of the Atlantic, read by Captain Walsh. Other good pieces were given by Sergeant Hemlin and Sergeant Waters—the last reciting the ever-favourite "Charge of the Light Brigade." A couple of well-given songs by Private Drinkwater and Sergeant Carpenter, a skilfully played flute solo by Sergeant Harrison, and the three glees, "Since first I saw your face," "Soft music is stealing," and "Good night," made up a programme which will compare favourably both as regards judiciousness of selection and excellence of execution with many more pretentious efforts.

Among the many peculiar customs in Japan which have surprised Europeans, is the manner in which meritorious deeds of men, women, and children, are gravely and minutely considered from time to time by the officers of the Kens, or even the higher departments of the general Government of the Empire, and a solemn gift of *two boos* often conferred as a reward of filial piety, patriotic beneficence, etc. on the joyful worthies. This is in obedience to the theory of Japanese government, *i.e.* that the Emperor is Go I's viceroy, the officers his servants, and the people his children—and very tender children too. Though foreigners may sneer at this idea of publicly rewarding the gallant defender of a house against attacking robbers with a whole riyo, or the bestowal on a dutiful son of ten yards of silk, yet the system is according to strictest logic. Only a very little further development of the principle, and it would be perfectly proper for the officers of the Okura Sho to give every moist-nosed urchin in Japan, a tempo for scrupulously keeping his face immaculate. Even a pound of soap to a coolie, as a reward for the virtue of abstaining from extortion would be in order; while a cambric, to all native young ladies who promised to taboo the use of paper, would be the height of propriety. It is curious to note that the native newspapers not only record these awards as interesting items of news, but that they often form the staple of their local news for the mental food, like the diet of their readers, is not very exciting. On the other hand, and in rigorous contrast with these petty rewards to the 'children' of the government, are the severe, and often barbarously cruel punishments inflicted on criminals. The death-penalty still stands decreed for offences to an extent that would have surprised even our fathers of five hundred years ago. The contrasts between the award of two boos for special piety, and several months of starvation and freezing for petty larceny, has attracted the attention of some members of the Daijo Kuan, and a debate on the matter was held a few days ago, but whether any result had been reached, is not yet stated. It is hoped that some reform will result, so that henceforth the good may will be treated less like children, and the bad more like men.

The fourth Paper Hunt of the season came off on Saturday 18th inst., for a Presentation Cup; "discretion" caused a few absentees, and consequently the number of starters was not large. The course selected was a good one, and though some of the jumps had a formidable aspect, most of the field got through with little damage, and a very interesting finish took place between *Garry Owen* and *Haut Ton*, resulting in a dead heat between those ponies, whereon a magnanimous member of the Turf came forward and agreed to join the original donor in giving a cup to each of the winners. *Alaric* was third, and the *Faculty* is reported to have been well up. The winning ponies will now be debarred for the season, having each won a cup previously.

On the 18th inst., an alarm of fire was raised by the police on duty at the barracks near the Russian Legation, smoke having been seen coming from the outhouses of Mr. R. Clarke's premises at No. 142 Bluff. The men who had just come off inspection, rushed down, with the aid of a neighbour, (Mr. H. Crane) effected an entrance, and, having water at hand, soon got the fire under. It had originated from some hot ashes which had been thrown out, a portion of them falling under the woodwork of the boy's house; and must have been smouldering some time, until at last it burst into a blaze. It was a most fortunate thing that the policeman observed the fire so quickly, otherwise it must soon have obtained full mastery of the place, there being no one on the premises at the time of the outbreak.

Asiatic Society.

The third regular meeting of the Asiatic Society of Japan, was held in the Public Hall, on Saturday evening, the 11th inst., at half-past eight. Dr. Hadlow, V.P., took the chair and made some timely remarks upon the desirability of the society securing a good general library, to which he invited contributions from all well-wishers of the society, and of the community of Yokohama.

On the motion of the Secretary, seconded by Mr. Pitman, Mr. H. Pryer was appointed Librarian; and also Curator of the museum to be formed.

A code of bye-laws, prepared by the Council, was then submitted, after due consideration, and was adopted by the society. Most of these bye-laws were of the usual routine character; the articles most interesting to the public being these:—

"Regular meetings of the society shall be held on the Saturday nearest each full moon, at 8.30 P.M."

"Members are allowed to introduce one or more friends, to be present at the society's meetings."

"Lectures on appropriate subjects may be delivered under the auspices of the society."

On a motion of Mr. W. H. Smith, seconded by Mr. Wilkin, it was "Resolved, that Dr. Hepburn be requested to represent our society abroad, during his absence; and to procure for our Library the journals of similar associations."

A valuable and suggestive Paper on "Fuji-yama," was read by Mr. G. J. L. Hodges, of H. B. M. Consulate; who also exhibited specimens of the lava of the mountain,—of the paper charms sold there,—and of the flint arrow-heads which he had found in the country.

In the course of the paper, the following facts were mentioned. About 450 devotees reside permanently on the mountain. Silk-reeling is among the occupations of the inhabitants of the hill-side about the foot. Rice is cultivated; also sweet potato and mulberry trees. The olive and the walnut are found there; likewise wild cranberries, strawberries and raspberries. There is a thickly-wooded belt around the mountain in which birch is abundant; and above this, rhododendrons and wild roses were found in full broom and great profusion. Grass grows luxuriantly up to a certain height; and then gives place to mosses; after which come the ashes and lava.

The cuckoo is heard; and the hunters of the region report that the wood abounds in boar, deers, bears, monkeys, badgers, hares, &c. There is a "mid-mountain village" and near by, one of the eight lakes which are said to exist around Fuji-yama. These are known to afford abundance of fish and all kinds of wild fowl. Charms are sold as a protection against the mountain demons, and also (by a man near the summit) against fire and thieves. They are largely bought by the pilgrims. Mr. Hodges thought

he perceived a remnant of the worship of the "Sun-god," and he traced the channel of an avalanche of snow. According to Japanese authorities, about 200 B. C. the mountain was visited by a Chinese who had been sent by his Emperor in search of the Elixir of Life. The water of springs found on the hill-side are said to re-ascend during the night; and sounds of harmony are always to be heard, &c. The first shrine erected on the mountain was in A.D. 808; there are now several. Dai-Gongen is the name given to all Kami of the mountain. The volcano is said to have first appeared in 215 B.C., when the earth opened, Lake Biwa was formed, and Fuji arose. In A.D. 799 the summit was in flames for 35 days; and in 863 there was a similar eruption, when a lake on the N.W. was formed; the sea filled up in many places, and the mountains in Koshiu were set on fire. In 1706 a great eruption occurred, one of the effects of which was to deposit cinders at Yedo to a considerable depth. Then also was formed the present crater and the small hill on the side. Estimates of the height as follows:—

Lieut. Williams, R. M., of H. M. S. *Rinaldo*, gives 10,614 feet from Odawara to summit.

Sir R. Alcock 14,177 to peak.

Lieutenant Fagan 13,080. The highest of these estimates makes Fujiyama about 1,500 feet lower than Mt. Blanc, which is 15,730.

It is said that the late earthquake was severely felt at the foot of Fujiyama, covering a space of 13 by 16 *ri* (?) When the American Expedition visited Japan, in 1854, the height of Fujiyama was computed at 16,400 feet; by examination made this summer, it is found to be 14,200 feet, showing the gradual sinking of the mountain, in conjunction with the reported shrinkage of other celebrated mountains. But these estimates are doubtful.

After the reading of the paper Dr. Hadlow remarked on the discovery of flint implements as showing that the inhabitants of Japan had, like other aboriginal tribes, passed through the Flint Age, and that the populating of the islands had not taken place (as some suppose) prior to that period.

The Revd. Dr. Brown and Professor Griffis took part in the discussion, mentioning the unearthly stillness, the difficulty of breathing, and the ink-like appearance of the sky at the higher attitudes. Dr. Brown also mentioned having seen flint arrowheads when at Niigata.

Law Reports.

In the U. S. Consular Court.

Before C. O. SHEPARD, Esq. U. S. Consul.

Saturday, 11th January, 1873.

PEOPLE U. S. A. *vs.* E. PESHINE SMITH:—This was a charge of neglecting to register. His Honour after the charge had been read, observed:—

The Court desires to ask you the same questions as it has asked Mr. Bates and Mr. Williams. Have you any excuse for failing to comply with the requirements of this Consular Court, as directed by the Minister.?

Mr. Smith, (apologetically): May it please your Honour, it is so long since I have appeared at any bar, that perhaps I may have forgotten the formal words of courtesy by which counsel express their deference to the Bench; and I beg that if I should be deficient in that respect, you will attribute it to forgetfulness, and not to any other reason.

His Honour: The Court has no fear upon that point, whatever, Mr. Smith.

Mr. Smith, (briskly). So much for that. (Anecdotically). A few years ago I travelled in the U. S. A. Your Honour may perhaps take notice of that fact, and that a good many Japanese young gentlemen have travelled in the U. S Well, I heard there—(reflectively) or did I hear it in England?—I don't know where, but English Law and English proverbs are pretty much the same thing—that a lawyer who appears for himself has a fool for his client. (Concessively) Well, I suppose it's true. Nobody can be expected to exercise the same coolness and discretion in a matter where his own interests are at stake as he could do if he were representing those of another person. My apology in this case is a simple one (musingly).—That I really don't think that there's any body between here and Constantinople who quite as well understands my position, or who quite as well understands what the law may be about it as I do myself. There are, I have no doubt, (patronisingly) excellent counsel in this City of Yokohama, men versed in Municipal Law, and knowing something perhaps of the laws of Japan, but not very well trained in International Law. At any rate, whether the excuse is good or bad, it's the best I have; and (decisively) I must appear for myself. I am summoned here by the People of the United States, (quoting from the document). The People of the United States, send GREETING (admiringly)—to E. Peshine Smith—Really! I take it as a considerable compliment! According to the best I could learn of them by reading and by such observations as I could make, they are about forty millions of people, (crescendo) the *richest*, HAPPIEST, STRONGEST people on the face of God's Earth; and they send me *Greeting* (explainingly)—or as we Japanese call it, Rokobu, I think, or some such word—

His Honour: They are a very fortunate people, Mr. Smith.

Mr. Smith: (beamingly) My own experience of them was, Sir, they were pleasant enough people to get along with, and (warningly) I also think they are people by no means worth anybody's while to have a quarrel with, if they can help it. (Deprecatingly.) I certainly don't desire to. (Resuming.) They send me greeting.—As I have expressed already, I want to express in the most respectful terms my acknowledgments of that courtesy—and desire me to appear in the "U. S. Consular Court at Yokohama, on Saturday, the 11th January, 1873, at two o'clock in the afternoon, to shew cause for non-compliance with Section 1 of the Rules and Consular Regulations of the U. S. in Japan Herein fail not." That's not quite so polite. I am here, Sir, and with this paper a gentleman who calls himself the deputy marshal of the U. S. had the impudence to come into the Gaimusho—I hope to be pardoned if I am speaking wrong about that, because it really *does* look like a piece of impudence to walk into the Foreign Office of another Government—and hands me this printed paper with this printed extract from the Regulations:

[EXTRACT.]

"Every citizen of the United States residing within the limits of "the ports open to foreign trade in the Empire of Japan, is re-"quired to be enrolled in the Consular Register; and shall apply "in person at the Consulate within thirty days after the publica-"tion of notice of this decree. Every American citizen who may "arrive within the limits of a port, save and except one who may be "enrolled on the muster-roll of an American vessel, shall apply "within ten days at the Consulate to be enrolled. Any American "citizen neglecting to be so enrolled, will not be entitled to claim "the protection or intervention of the Authorities, unless he can "furnish a valid reason for not doing so, and shall be subject to a "fine of *Ten Dollars*. In all cases when an applicant to be enrolled "cannot furnish a passport or other legal proof of his citizenship, "he shall make affidavit in writing that he is a citizen of the "United States, which shall be filed by the Consul, and the "Consul may also require other and further proof of the fact before "enrolling him."

(Injuredly) I am here, Sir, to ask, Why does anybody imagine I am a citizen of the United States?

His Honour: Do you deny you are, Mr. Smith?

Mr. Smith: (coolly) I do.

His Honour: You do?

Mr. Smith: (deliberately) I do.

His Honour: Does the Court quite understand you, Mr. Smith?

Mr. Smith: I hope so. If your Honour please, as to any question of fact, I shall answer as under oath, as to any matter of argument, I will not think your Honour will not allow me to express my convictions, (jauntily) however erroneous they may be. But, (looking round with surprise) I don't know why there's no counsel here; I don't see any one here for the people of the United States who sent me that kind greeting! Really if your Honour will think one moment, there are many exceptions and remarks I might make to any one who was representing the U. S. as counsel, in a kind of tone which would not be respectful for me to address to your Honour on the Bench.

The Consul: The Court has no fear of any disrespect from you, Mr. Smith. It feels convinced that in the U. S. you have proved yourself too eminent a jurist to say anything to this or any other Court which would be improper, so have no fear of that, but speak as freely as you choose.

Mr. Smith: (argumentatively) I don't know how it is possible for your Honour judicially to know such a fact. I believe as a matter of private opinion, that your Honour has been in the U. S. and, it is possible, may have heard of an individual known as E. Peshine Smith. Whether you heard of him in a respectful way, or whether you have read of him in the Yokohama newspapers,—and read of him in very disrespectful terms,—I don't know. But as I say, I call upon the people of the U. S. A., who are wanting to know why I am not registered at this Consulate, why they imagine that I am their subject? Now then, (combatively) let them give me their reason.

His Honour: Probably it will be well for the Court to ask you a few questions. It may simplify matters. Where were you born, Mr. Smith?

Mr. Smith (urbanely): I don't remember. As near as I now can recollect, I was two or three years old before I recollected anything. I may have been born in Nova Scotia, or on the wrong side of the Niagara River.

Q.:—Where did your parents reside from you first remembrance, Mr. Smith?—A (Meditatively). I think, Sir, they resided in the state of New York.

Q.:—Did you ever hear or know of their residing any where else except in that state? A: (promptly) I am not able to say that I ever did.

Q.:—I asked if you had ever heard of their residing any where else.—I may ask what is your belief in regard to that?—A: My belief, your Honour? Well my mother is an old lady, 76 years of age, I have heard statements from her that when she was a young girl not quite eighteen years old, she had a child, whom she supposes to be me But I think, really, your Honour, that's merely hearsay evidence, and *she* should testify.

Q:—Did you ever vote in the United States?—Yes, Sir.

Q.:—Do you know that every person voting in the U. S. A. is required to be a citizen of the U. S.?—A: I have an impression that is so—legally so.

Q.:—The Court has a very decided impression in regard to that. In fact, the Court will be obliged to accept that as proof you were known at that time as a citizen of the U. S. A. I have sufficient confidence in the vigilance of the officers of the U. S. A. to think they would not have allowed you to vote exceptin-you were a citizen.—A: I beg your Honour's pardon. They may have honestly supposed me to be a citizen, or I might have been assumed to be a citizen, when I had no right to vote. If so I think that your Honour should suppose I have been already adequately punished there for the offence.

Q.:—It is hardly for the Court to go so far as to imagine that.—A: Does your Honour mean to hold judicially that because I admit that I have voted it the U. S.—whether rightfully or wrongfully—than you could hold that I had a right to have voted in the U. S.?

His Honour: The Court decides that you are supposed innocent until you have been proved guilty, and it is supposed you would not do a thing which was illegal. As you confess yourself to have voted, the Court must hold you are a citizen of the United States

Mr. Smith:—If I were a citizen, I might be supposed to have known somethi g of the law of the United States; but being as I am, only a poor, ignorant, heathen Japanese, I don't know why any such knowledge should be imputed to me. It's a pretty difficult question to settle. I once had a friend who was a lawyer; He was what the British call a Crown Lawyer; he was legal adviser to the State Department of the U. S.; and what notions of American Law I've got at all, I got from him.

Q.:—What was his name, Mr. Smith?

A.:—His name was Smith.

Q.;—E. Peshine Smith?—A: I think so. But as your Honour, being yourself a citizen of the U. S A., must be aware, there are two or three Smiths in the United States. It doesn't follow because two persons are named Smith, or even E. Peshine Smith, that they are the same person.

His Honour: Possibly not.—Mr. Smith: I only refer to this gentleman for such notions of American law as I've got and perhaps I may have occasion to refer further to him hereafter. He was then thought to be a tolerably respectable person; but recently, I have had reason to believe, that he is *not*, by any means. He is said to have been a man of very dissipated habits, of no social standing, in all ways a pretty poor creature: Nevertheless, that wasn't found out then—when I knew him. I happen to know too, since I have been in the employment of the Government of Japan, that the President of the U. S. has spoken in quite respectful terms of him.

Q:—Since you have been in the service of the Government of Japan—how long have you been in their service?—A.: About 13 or 14 months.

Q.:—What service were you in before that, may I ask?—A.:—I think I was in the service of the Government of the United States. But I want to give you a small piece of evidence. I don't know how far you have reason to conceive I am a citizen of the United States. I suppose somebody is instigating you: but whether it is this clerk who has given information against me, and is accusing me of being a citizen of the United States, I don't know. Will your Honour call upon him to give any evidence of it, and will your Honour be good enough to look at this? This is an official document. This is a report—by the Consul of Japan for California—of Japanese subjects leaving San Francisco for Yokohoma, Japan, on the 1st November, 1871, by the steamer *America*. The first gentleman in this catalogue is Hazagawa Mura, Commissioner of the Interior Department, destination, Yokohama, residence, Tokei. Then there are Shira Uzo, Saba Kichi Mura, Okokuba, attaché, of Saba, Mori Sango, Ishinoski, of Choshiu, and last is E. Peshine Smith, counsel, Washington.

His Honour: (Looking at the paper.) Yes, these are Japanese returning home. Tokei we know, and Saba, and Choshiu, but Washington I never yet heard was a Province of Japan, or a city in that Empire. This last gentleman's residence seems to have been Washington, and we have heard of him at the bar of the U. S. I have heard that a man's residence fixed his nationality and right to vote. If that be true, and I find here your residence is Washington, may I judge from that, your nationality is that of the U. S. or that it ever has been? Have you ever been or claimed to have been a citizen of the U. S.?—A.: I think I have, your Honour.

Q.: Can't you be positive in regard to that matter?—A.: I think I can't deny I have so claimed.

Q: Will you state to the Court exactly when any change took place regarding your nationality?—A.: (Decidedly.) On the 1st November, 1871.

Q.: Is the Consul of Japan in California the person who naturalized you?—A: (A slow bend of the head.)

Q.: Am I to understand that, Mr. Smith?—A: I can't now remember that there was any ceremony like baptism or (word lost) gone through; but he being a Japanese officer, knows what is necessary to naturalise a person. I don't. (Suddenly.) Yes, I do.

Q.: This seems to have been dated in San Francisco, California, November 1st, 1871. Were you in California on that day?—A.: I think so.

Q.: Do you know of any other officer of Japan, other than the Consul of Japan, authorized to act for Japan in San Francisco?—A.: No, Sir.

Q.: Do you claim, Mr. Smith, or do you know, as you are in the service of the Japanese Government, whether the Consul of Japan has a right to naturalize a person?—A.: That is a question of legal judgment, which I cannot speak to as under oath. I think not.

Q.: Then do you say you think you were or were not naturalized by this Consul at that time?—A.: I think not. I don't know.

Q.: You still state to the Court that you consider that naturalization to have been made on November 1st?—A.: There was no other.

Q.:—If the Minister of Japan was in San Francisco at that time and the Consul was not authorized by him, how and by whom was your nationality changed and by what authority?—A.: My engagement for the Government of Japan was made by Mr. Mori, Minister representative of Japan to Washington. After finishing my travels in the United States, the Government of Japan thought proper to employ me, undoubtedly because of my previous knowledge of Japan and Japanese institutions; and, because of my acquaintance with the gentleman at home I referred to, in the State Department, I'd got some smattering of law. Now if your Honour please, I brought with me a circular under date 3rd May 1870 or 1871, I am not quite certain which, issued by the State Department of the U. S., which I suppose must have been sent to your Honour It was a circular of Instructions addressed, as this gentleman told me (this Mr. Smith), to all Ministers and all Consuls of the U. S giving them the views of the Foreign Office at Washington as to what it was which constituted a citizen of the United States, and under what circumstances he ceased to be practically a citizen of the U. S. or under what circumstances he ceased to be entitled to protection. When I came this morning from Yedo, I suppose this counsel of mine (turning to a Japanese behind him) who because he doesn't speak English as well as I do, is obliged to be silent, either lost it or forgot to bring it. I can state however, and your Honour can verify it at an after time, this:—that a person, being a citizen of the United States, (it relates to naturalized people, but really there's no difference if he is a citizen by birth or by naturalization) who goes into the service of a foreign Government, by that fact ceases to have any right to claim protection of the U. S. A. Your Honour may know,—I think your Honour must know,—the gentleman to whom I refer had a good deal of experience about that, who gave me these facts. He said, "citizens of the U. S. go all over the world." Now, a great many of them go to South America; and what revolutions they have got up there, your Honour, not perhaps judicially, but historically knows. In fact, they are in a condition of chronic revolution all over South America, in Chili, Peru, Bolivia, and very largely these revolutions are excited and promoted by citizens of the U. S., and by subjects of Great Britain. Now it happens to these gentlemen every now and then, that they are called up to be shot some fine morning before breakfast; and *are* shot, I am happy to say—though probably not one in ten has been shot who ought to be—as is the case in Japan. As to people who have been murdered here, they weren't one in ten of those who ought to have been. When one of these gentlemen *does* happen to get shot, his widows, children, heirs, executors, administrators, and assigns endeavoured to get the U. S. to make a row about it, and they have been repeatedly told that if these men were foolish enough to go into the service of a South American State and accept their protection, you forfeit the protection of the U. S. Your Honour can find what I can't now; but your Honour has a right to apply the case of a Mr. Murray, for one (this gentleman in the State Department told me about it) who, with three other persons in the service of Colombia, was on a journey from Carraccas to Venezuela. Two were killed—shot down; one was shot, so that he was wounded, and died after, and what became of the other blackguard I don't know. That case was the subject of a special Mission from the Republic of Venezuela to the Republic of the U. S. A., application having been made diplomatically by the U. S., and redress demanded for the murder of two, and the wounding of two other citizens. That was resolved against the Government of the United States by the Government of the U. S., who freely and voluntarily said, "If citizens "are unwise enough to go into foreign service, they "can't ask the U. S. to stand their protection." Your Honour, I suppose, to be a Christian?

Dr. Williams: (interrupting) Was that referring to the Military Service or the Civil Service?

His Honour: Do you appear as Mr. Smith's Counsel?

Dr. Williams: I only wanted to ask that question.

Mr. Smith: I am willing to answer it.

The Consul: The Court is not aware that persons who are supposed to be sitting among the audience in Court have a right to ask questions.

Dr. William: I do it merely as a counsellor-at-law for my own information as an attorney now before your Honourable Court, and merely for my own personal benefit. It has always been so in all the Courts I have ever practised in, and I have practised in several. It has always been the custom for a counsel, if he had nothing to do with a case, to ask any question he wanted for his own information.

His Honour: When you are practising before a Court. Are you admitted to practise before this Court, Mr. Williams?

Mr. Williams: No, I don't think I am. I've stated to your Honour I was a lawyer, that's all.

The Consul: Mr. Williams. Mr. Smith undoubtedly will give you any information afterwards that you may desire to obtain.

Mr. Smith: I wish to be supposed guilty of no evasion. I feel bound to state that in that particular case, it was persons who were in the naval service, and not in civil service; but I cannot really see any good ground for distinction.

His Honour: The Court didn't ask the question, and has ruled Mr. Williams had no right or permission to put it.

Mr. Smith: In the paper to which I have referred it was stated it is the rule with the several states and powers of Europe. It is said there with great reserve, because this gentleman who was then speaking on behalf of the U. S. America, knows that the U. S. America are bound to make good what they say at the cannon's month, and do not want to be too confident. But it is stated there, as your Honour will find, that in France, in Italy, in Greece and several other states that are named, it is a part of their law—the fundamental law of these kingdoms and empires respectively—that any person entering without permission of the Government into the Military, Naval, or Civil Service of a Foreign State loses all his privileges as a subject of that kingdom. I undertake to affirm here, that is the rule of Continental Europe, so far as I know, without exception, and I suppose that to be the simple affirmation of international law. It seems to me one of the plainest things in the world. And that is why, your Honour being a Christian, I need not remind you it's laid down on high authority. "No man can serve two masters." If he is in the service of the Mikado of Japan, he cannot at the same time be in the service of the people of the U. S. A. or the Queen of Great Britain or his Imperial Majesty William, Emperor of Germany, or of any other crowned Potentate or Authority. It seems to me, your Honour will at once say he cannot. I do not know whether your Honour can judicially remember the fact, that a few months ago your Honor was diplomatic representative of the U. S. A. to the Emperor of Japan.

The Consul: The Court does not feel inclined to deny that.

Mr. Smith: Perhaps you will permit me to suggest it may be the case that we have had some controversy, that it has been my duty to represent what I supposed to be the interest of Japan and it has been your Honour's to represent what you supposed to be those of the U. S. A. and that we differed quite seriously. So long ago as 1799, early in the history of the U. S. A.—for the U. S. are a very young nation. not more than 250 years old, whilst we have existed notor iously for 2533 years, according to our authentic history and un- doubtedly existed a good while before that—amongst the earliest statutes:—

His Honour: Do you say "we" as an American citizen, or as a Japanese subject?

Mr. Smith: As a Japanese subject, of course. There are no American subjects. Amongst the earliest statutes passed was an Act for the punishment of certain crimes therein specified (taking Statute Book Vol. 1.)

His honour: I think the Court has probably consulted the same law as you are about to refer to. I see by the mark in the book.

Mr. Smith: Yes, probably. It reads.

"That if any person, being a citizen of the U. S., whether he be actually resident and abiding within the United States or in any foreign country, shall directly or indirectly commence or carry on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof with the intent to influence the measures or conduct of any Foreign Government or any officer or agent thereof, in relation to any disputes or controversies with the United States or defeat the measures of the Government of the U. S., he or they shall be deemed guilty of a high misdemeanour; and on conviction, before any Court of the U. S. having jurisdiction, thereof, shall be punished by a fine not exceeding $5,000 and by imprisonment during a term not less than six months nor exceeding three years."

Now if your Honour pleases, why don't the U. S. A. instead of prosecuting me for this $10, ask for this $5,000 and why don't they propose to put me into your gaol, which I believe is somewhere in your back yard out there, for not less than six months, and not more than three years. Really it would be something creditable if that was done.

The Consul: I think if you give attention to the wording of the Act, you will find it says if this is done without the authority or permission of the Government. Have you not the authority or permission of the Government of the U. S. A. to reside in Japan and act as Attorney and Counsellor?

Mr. Smith: I do not know how I could prove that, if I am put on my defence here.

Q.: The Court does not ask you to prove it, Is it not a fact within your own knowledge?—A.: One moment. It is a principle of law in the U. S. that a man is not compellable to bear witness against himself in criminal cases Your Honour must look upon this as if I was a defendant, and I was sued by the U. S. The question is, how I am to prove that. Your Honour may have heard something about this thing from Mr De Long. The Minister Plenipotentiary and Envoy Extraordinary may possibly have in his possession some paper which would prove such permission; but it is quite certain I cannot compel him in any way, nor can your Honour compel him to produce a document which is one of the instructions addressed to him by the U. S.

The Consul: It is within the knowledge of the Court such a paper does exist, Mr. Smith, the Court having seen the document; and the Court can state this, that it is with the consent and knowledge of the U. S. Government that you are here.

Mr. Smith: It may be correct for your Honour to say that you have some impression of the kind, derived from impressions received during the time when your Honour was acting as Diplomatic Representative of the U. S. A. Whether your Honour can or cannot import into your judicial head the knowledge acquired by your diplomatic head is a question.

The Consul: The Court would be entitled to grant you time to prove that from the State Department, if it were being tried, and there is no doubt such a document would be forthcoming.

Mr. Smith:—I don't know that. It is a very possible thing that in 1871, the people of the U. S. finding they could very well spare one out of their 40,000,000 of people, were willing to grant a permission to the gentleman of my name to come to Japan; but now that he has turned out to be a discreditable person in all ways, they may not be inclined to furnish any evidence to exempt him from prosecution.

His Honour: It is unnecessary to discuss that. It is irrelevant to what is before the Court at present.

Mr. Smith:—I beg your Honour's pardon. It seems to me that the two things are allied. I am here,

and I say I am not a citizen of the U. S. A., and I have asked for any proofs of it. The evidence your Honour has is that I have been told I was born in the U. S. A. I have confessed I voted in it, I may have said more than that—held office in it. I have held a commission from the President and Senate, and they may have supposed me to be a citizen.

Q. :—If they have supposed so once, have they had any reason to alter their opinion, do you know?—A.: Yes, and it is for that purpose I am referring your Honour to the instruction of the 3rd of May, 1870 or 1871.—My recollection is not precise—which says that a person who goes into the service of a Foreign Government ceases to have any right to protection, and states that to be the law of several countries of Continental Europe. I have brought with me a Blue Book, containing the report of certain Commissioners appointed by Her Britannic Majesty to look into and make report on the laws in respect to allegiance and naturalization of all countries of the world they could adduce. It's a very extraordinary volume. A large part of it is prepared by Lord Tenterden, who at the time was Mr. Abbott, grandson of the author of *Abbott on Shipping*, a Chief Justice of Great Britain. Lord Hatherley was one of that commission. They give there the best information they could get upon the laws of various countries and I refer your Honour to that book.

Q. :—Can you refer to any particular portion?—A.: It's important to me to get back to Yedo, but it's not of very great consequence to your Honour whether you fine me $10 to-day or to-morrow. With all deference and respect to your Honour, you may take time to examine that which I could hardly ask you to take now. I turn right here to the law of Prussia, stating the method in which Prussian subjects lose their character as such subjects and cease to belong to that nationality.

Q. :—Kindly explain to the Court how the law of Prussia bears upon this case at all, and we will hear it.—It seems to me the laws which apply are those of the U. S. A. and Japan?—A: Perhaps, sir, there is such a thing—not as the mere municipal law of the U. S. A.—which you are to apply; but that code of public morality recognised by civilized nations of the world, which we speak of generally as International Law. I refer to this book as being the recognition by several states of what I believe to be the rule of International Law. A person cannot be at one time the subject of two states. If he is in the service of the Government of Japan he is not in the service of the U. S. A. He cannot owe allegiance and duty at the same time to two sovereigns. He must obey the one or the other, and of course allegiance and protection are correlative. If I here am owing any duty to the U. S. A. I am ready to do it, and on the other hand, it is the duty of the U. S. A. to protect me. If on the contrary, I am owing duty only to the Government of Japan, then the U. S. A. is under no obligation to protect me, and I have no possible right to ask they should do so, nor have they any right to do it. It would be a piece of the most sublime impertinence for the people of the U. S. A., if his gracious Majesty the Tenno should think proper to-merrow, because he supposed I had betrayed the interests of Japan, in the interest of the U. S.—it might be in mere friendliness to your Honour—because he or Daijokuan imagined I am on friendly relations with your Honour and Mr. De Long—because after all I may have some sneaking kindness and regard for the people of the United States—because I look at this starry flag which floats over your Honour's Consulate as on the whole, the most beautiful thing in the world (tears)—that I had betrayed his Council and interest and he chooses to take my head off, really I think it would be one of the most absurd and impertinent thing in the world for the people of the U. S. to do. I may whine, I presume, for I should not have any fondness for having my head taken off at all. I should try to object to it, but I do think the People of the U. S. would be the last people in the world who would have a right to object to it, in case the crime was committed in their interests. But I am taking up the time of the Court.

His Honour: The Court has no wish to restrict you, and is very much pleased to listen to anything you have to say.

Mr. Smith: It's not a very solemn matter whether you fine me $6.55 or $16.55. I would rather have paid that $10; but I should like to beat the U. S. out of the costs—I grudge them. I had a good deal rather have paid that than be subject to the trouble and annoyance of coming down here; but I do think it was a solemn duty. $10 is but little. I hope your Honour will not think me disrespectful to the Court in saying I don't ask the protection of the U. S. at all. I am content, as we say in the American song, to "paddle my own canoe." A man who comes to Japan and enters into the service of its government is deprived of any protection except its, and if he expects any more he is a ninny and an idiot. I supposed when I came here I had to take my chance of earthquakes (which are not uncommon occurrences here) or of fire—Your Honour has, I think, resided in Yedo—and that is a tolerably serious calamity. I take the one as I take the other, that's my judgment. I must leave it to your Honour to consider and decide. I am somewhat confused with the loss of this paper. I had imagined I had a sort of argument in my head, but I am not clear that I have succeeded in getting it out. It is so long since I was at the bar, and I am but a poor Japanese young man at the best. I have the fullest conviction your Honour will decide with the profoundest regard for justice and equity, but I object to your jurisdiction upon my honest conviction, it is my duty to the Government of Japan to do what I have done. I however so far submit to your Honour's jurisdiction, that I am ready to answer any question as to matter of fact.

His Honour: The Court confesses to a good deal of astonishment, Mr. Smith, at the assertion made by you to-day, and it was entirely unprepared to hear from you that you neither wish nor claim nor expect protection or intervention on your behalf by the U. S. A. The Court has listened with a great deal of interest to your argument in the matter, and would have been very much pleased to have heard anything further you had to say. On the part of the Court there is very little to say. The Minister of the U. S. is my Superior officer, and the law made by the authorities of the U S. A., or Regulations made by their Minister, I should consider would require a large amount of presumption on my part to either question or to refuse to enforce.

Mr. Smith: Will your Honour allow me, for one moment to resume, to correct a part of the body of the Regulations for the proceedings in the Consular Courts in Japan?

His Honour: Yes, the Court will show you the Regulations. On the first page after the title you will find the decree of the Minister.

Mr. Smith: Yes. It's dated 16th November, 1870. This book contains a vast body of Regulations and Code of Procedure in your Honourable Court. It contains besides that this about Registration, in fact it contains all that this gentleman I referred to told me a long time ago. There is a law of Divorce for Japan—a law prescribing in what cases citizens of the U. S. A. in Japan may get divorced—a law in respect to capital punishment, saying when a man shall be hung or when he shall be imprisoned, distinguishing between murder in the first degree, the second degree, justifiable homicide and excusable homicide. The gentleman to whom I refer, has told me—and your Honour can get at the Paper; I cannot—that an instruction was addressd to the Minister of the U. S. in Japan, saying that as to all these matters which are simply of Procedure, it was undoubtedly his right under the Act of Congress to make them; *but that he had no power of legislation*, and that the Congress of the U. S. A., so far as the State Department understood, has not conceded to any Minister or Consul, or congregation of Ministers and Consuls, the power of legislation over their subject in Japan. There is an article in the Treaty with Japan, of the U. S., which may authorize the Minister of that nation, in conjunction with officials designated by the Government of Japan, to make regulations in reference to commercial business which are practically legislation. It is Art. XII of the Treaty of 1858 (Mr. Smith here read the article) I can see that it may be a subject of interest to the Japanese Government to know who it is here in Japan pretends to be entitled to the protection of the U. S., and it is a subject of interest to both Powers that they should have people registered. I am disposed to admit that in conjunction with the authorities of Japan, the Minister may have properly made such a regulation; but, if I understand it, these Regulations don't purport at all to be made in conjunction with any representative of Japan, but only to be made by the Minister with the consent of the Consuls

His Honour: This will show you the section of the Act under which these regulations are based.

Mr. Smith: I know all about that act; it's of June, 1860.

His Honour: June 27th, 1860, Section V. Does the Court understand you to doubt the authority of the Minister or Consuls to make Rules and Regulations such as are now before you?

Mr. Smith: This one I do. There are a great many rules there, which there's no doubt about their having authority to make; but this one I dispute teeth and nail. The provisions may require Registration with the concurrence of the Japanese Government, but I dispute any requirement of registration without that concurrence, just as I dispute the authority of the Minister and Consuls, or forty of them, to make a law providing in what cases I or my wife should be divorced in Japan.

His Honour: We are in discussion of the first section which requires Registration. The Court would like you to state distinctly your opinion of that section, which is of great interest. You say you don't recognise the right of the Minister or Consul in Japan to make this law or enforce the same.—A.: I do.

His Honour: Is that the ground on which you have declined heretofore to register, or have neglected to register?—A.: No, Sir, the ground on which I have neglected to register is that I am not a citizen of the U. S. A. If I was, I should fall back upon this. Mr. Williams is, I believe, a citizen of the United States. He may object on that score.

His Honour: It may be well here for the Court to rule upon the point of whether it considers you a citizen of the U. S. or not. The Court rules upon that point it does considers you a citizen of the U. S., and would thank you very much to argue upon that decision.

Mr. Smith: I protest against that ruling; but I say that your Honour can find an instruction from the State department of the U. S. A. referring to that identical article, and disapproving of it. I can't get at it.

Q. Do you mean addressed to the Minister or Consul?—A. Addressed to the Minister—to Mr. De Long.

Q. Disapproving of what?—A. Disapproving of that as a piece of legislation. I refer to the gentleman who has given me a good deal of information. He tells me that document, or that instruction, together with these rules, was reported in a Hall of the Senate of the U. S. to the Senate of the U. S., and I think I remember he told me it was signed, and was Senate Document No. 20 in print.

His Honour: The Court has no way of referring to Senate documents here; but will take note of the assertion on your part that there is an instruction of that kind.

Mr. Smith: Your Honour can apply to Mr. De Long for such information as he chooses to give you from the diplomatic documents. He may, or may not, give it you. I know that I, being a Japanese subject, have no right of access to any instructions the U. S. may have thought proper to address to their Minister here, and there's no possible way in which I could call him into Court here to compel him to produce them.

His Honour: The Court having ruled with regard to your nationality, it is but right, just, and proper that the Minister of the U. S. should be asked if such a document has been received, that you, or any other American may, if so, enjoy your right to have the benefit of it. But it seems extremely singular to the Court, if such be the case, that the Minister has never communicated it to each different Court in Japan.

Dr. Williams: I'd like to ask a question.

The Consul: It's irregular.

Dr. Williams: I don't wish to do anything irregular.

The Consul. The Court doesn't recognise your right to put questions at all. However, it gives its consent, and you are at liberty to put what question you want answered.

Dr. Williams: All I wish to ask him is whether the gentleman by the name of E. Peshine Smith was not the author of that communication which was issued by the Senate. I'm nearly certain about it. I've heard it before.

Mr. Smith: If that person was the author, he was at that time in confidential relations with the Government of the U. S, and not at liberty to disclose what he knew.

His Honour:—Mr. Smith, the Court has already stated it must and does hold that you are still a citizen of the U. S.; but the assertion just made by you of an existent disapproval by the State Department of that particular clause obliging registration, most certainly calls upon the Court to reserve it decision until it has communicated with the minister of the U. S. If such be the case, and you are not mistaken upon the matter, certainly every American citizen has a right to benefit by it; and the Court has no desire to be responsible for the infliction of unjust fines and unjust penalties. Therefore until it has acquainted itself with the importance of this assertion, it does not feel authorized to pass judgment in this case, and will therefore reserve it, giving you due notice of the time when it will be given.

Mr Smith:—May I ask the courtesy of your Honour sending some written notice. I don't know what might happen if my friend the deputy marshal should come up with an execution to the Gaimusho. There are a good many gentlemen there with sharp knives.

His Honour: May I ask if his conduct was improper there?—A: No, sir, I am happy to say it was not.

Q.: Is any objection known to exist to an officer of the U. S., unarmed, entering the Gaimusho, or For-

eign Department of the Empire of Japan?—A.: No, as a matter of courtesy. As a matter of right, I think, Yes.

Q.: Was there any demand as a matter of right?—A.: (doubtfully) I can't quite tell. I was startled a few mornings ago by having a card sent in to me by some one calling himself the Deputy Marshal of the U. S. I thought—with all due deference to the Court—"What the Devil is the Deputy Marshal of the U, S. doing inside the Gaimusho?"

His Honour (interrupting): I am very glad he sent his card in. That is as much as to request to know if he could see you. I am sincerely glad to know that the officer of this Court was not guilty of any act of discourtesy. Certainly, you will be notified as you wish.

The Court then rose.

Monday, 20th January, 1873.

PEOPLE OF THE U. S. A. *vs.* E. PESHINE SMITH. Defendant did not appear.

His Honour said: By request of the Minister of the U. S. A., I shall read, before delivering my opinion in this matter an answer which has been given by him to an enquiry of mine concerning a statement made by Mr. Smith as regards the Consular Regulations; and which is as follows:—

No. 15. United States Legation,
Yokohama, January 14th, 1873.

C. O. SHEPARD, Esq.,
United States Consul, Kanagawa.

SIR,—Acknowledging the receipt of your No. 16, of date the 11th instant, in which you advise me that Mr. E. Peshine Smith had stated in your Court that the particular section of the Consular Court Regulations requiring American citizens to register had been disapproved by the Department of State, and such disapproval been communicated to me, asking me if such statement was true, and so forth, I beg leave in reply to advise you that the statement is wholy *untrue*, and should upon reflection have received no credit at your hands, for the following reasons:

1st.—The act of Congress by authority of which these Regulations were promulgated by me, provides also that they shall be binding and obligatory until annulled or modified by Congress, (See section 5, page 73, vol. 12, United States Statutes at Large.)

Therefore the Honorable Secretary of State has no power or authority to approve or disapprove of these or similar regulations.

2nd. It would have been my duty, immediatedly upon receipt of instructions from the proper authority, annulling or modifying these Regulations in whole or in part, to have at once so advised all United States Consular officers in this empire.

The Honorable Secretary of State, in his despatch No. 48, of date the 20th of December, 1870, replying to my despatch forwarding these Regulations to him, says: "I regard the second section of the act of July 1st, 1870, (new Consular Regulations, page 273, No. 922,) as intended to provide for the establishment of Regulations in countries where we have no Diplomatic Representative, and shall therefore submit the Regulations transmitted by you, to Congress for revision, *without assuming for myself the power or the duty of disapproving or amending them.*"

In the same letter, the Honorable Secretary, in discussing the section of the Regulation in question say: "This may be a very desirable "Regulation *but it will be submitted to the judg-* "*ment of Congress* whether it be or not of a "purely legislative character divesting private "rights in a manner not authorized by Congress, "nor so far as known, by the Government of "Japan."

To this despatch, I replied, giving my reasons for having promulgated Section I. of the Regulations, to which The Honourable Secretary again made answer in his No. 83, of the 20th May 1871, in which he says, "My remarks were "intended to accompany and did accompany the "Message of the President submitting the Consular Regulations to the consideration of "Congress. They were designed to attract, if "possible, the attention of Congress, to the "doubts and difficulties which embarrass our "Diplomatic and Consular Officers in the exer- "cise of their Judicial functions in Mohamme- "dan and Pagan countries and to induce appro- "priate legislation to supply the lack of legisla- tive power in those Officers."

"I was accordingly more solicitous to indicate "all the points upon which *it seems possible to* "*raise a doubt or objection than to express my* "*personal judgment*, which would agree with "your own, as to the expediency of more than "one of the Regulations, *the confirmation of* "*which by Congress is desirable*, to preclude a "question as to their binding force &c." As no other correspondence relative to there Regulations has passed between the Department of State and myself, and in view of the fact that Mr. Smith was at the time this correspondence passed, employed by that Department, it seems strange to me, that he should have made the assertion you impute to him.

The President of the United States, by Message dated January 27th 1871, transmitted these Court Regulations to Congress, with certain papers accompaying the same, where they have since remained without any action having been taken relative to them by Congress, and consequently remain in full force and effect, with the exception of Section 23, page 48, which for certain reasons known to yourself, I have instructed all U. S. Consular officers in this Empire to regard as inoperative.

One of the papers transmitted by the President with these Regulations to Congress, was an opinion delivered by Mr. E. Peshine Smith to the State Department of the United States in connection with the collision case of the P. M. S. S. *Hermann* with the British steamer *Osaka* in this harbour. In the course of that opinion, in which Mr. Smith upholds the jurisdiction of Consular Courts in Japan, he says; "The Apellants now ask this Department to de- "clare the decision of the Consular Court void "for want of jurisdiction upon the subject mat- "ter. One of the grounds is that the Treaty "only confers jurisdiction in controversies be- "tween Japanese subjects and citizens of the U. "S. This is in terms true:

"I am, however, not prepared to admit that "the Treaty, literally constred, is the only source "of jurisdiction. The custom of the Western "Powers, sanctioned by the tacit consent of the "non-christian nations in which they have plant- "ed Consuls may be probably regarded as defin- "ing and confirming their jurisdiction, exercised "in cases where there is no express grant by "Treaty. What in the Levant was called '*the* "*custom of the Franks*' established a Consular "jurisdiction, which treaties rather recognized "than conferred. To the power of any nation "to *regulate* and judge its own citizens abroad, "*all that is wanting is the consent of the power* "*in whose territory they are sojourning*, while a "treaty is the most solemn and authentic evidence "of its consent: it is not an indispensable evi- "dence. *Continued acquiescence in the open* "*exercise by Consuls of jurisdiction in a given* "*class of cases proves such consent*, which may "indeed be revocable when the acquiescence has "been for a brief period or in unfrequent in- "stances, but which ripens with the efflux of "time into an international law, controlling the "relations between the powers concerned."

"When China and Japan became open to the "subjects of the Western Powers, the latter "imported with them the views and practices in "respect to exterritoriality which had been "matured through ages in the Levant. These "were recognized in part by express Conven- "tion, and in part by tacit acquiesence."

The excellence of this reasoning causes me to refer to it here in support of your jurisdictional right to compel all American citizens in Japan, within your Consular jurisdiction, whether in the employment of the Japanese Government or otherwise, to enrol their names upon your Consular Register. As such a course has heretofore been constantly followed, with the knowledge of the Japanese Government, without any objection on its part having been made, its tacit acquiescence and consent may thence be inferred.

As you have already decided the question of Mr. Smith's citizenship, it is unnecessary for me to enter into any argument to show that a man may not shift his allegiance from one power to another with a suddenness and unceremoniousness, with which he might change his coat; And, inasmuch as by authority from the Minister for Foreign Affairs of this Empire, I am able to advise you that Japan has no Naturalization laws, and hitherto never has naturalized the citizens or subjects of any other Power, it is very certain that Mr. Smith is not a Japanese subject, and consequently must still be held as owing allegiance to the land of his birth.

In the quotations I have given from the despatches received by me, and also from the opinion given by Mr. Smith when he was Examiner of Claims in the State Department of the United States, I have taken the liberty to italicise such sentences as I wished especially to draw your attention to.

Inasmuch as the statements of Mr. Smith have been given great publicity by the Press of this city, it is desirable, in order to correct any erroneous impression that may have been produced, that this note may be read by you in delivering your opinion, with a view of giving it equal publicity.

In conclusion, I beg to state, that it is not true, that any circular issued by the Department of State of the United States, instructing United States officers to regard Americans in the employ of this Government as not being under American protection, but subject to the laws and authorities of this Empire, has been received at this Legation; nor do I presume any such will be forwarded here, before Japan, by the establishment of a judiciary governed by published Statutes, and rules of practice, conformable to such as prevail in Western States, shall have satisfied our Government and other Western Powers, that no necessity longer exists for their insisting upon the doctrine of exterritoriality.

I have honor to remain,
Sir,
Your most obdt. Servant,
C. E. DE LONG.

As I have stated, this dispatch—although perhaps it is a little irregular—has been read at the request of the Minister. As to the nationality of Mr. Smith, the Court has previously given its decision. In regard to the regulation which Mr. Smith doubted, I have just read the denial of the Minister of the United States, of the statement made at the former hearing, which is quite sufficient reply. It is the duty of every Court to execute the laws—not to make them. If the laws are bad or unconstitutional, it certainly is not the fault of the Court; although this Court also fully recognises and understands judicial liability in exercising and enforcing unconstitutional law. Given me as these Regulations are by my superior authority, I must presume and consider them to be good until I find myself instructed to the contrary. Those suffering must be left to show whether or not they are binding or unconstitutional. The judgment of this Court therefore is that the defendant, E. Peshine Smith be fined the sum of $10 and costs, and that he be required to register. The Court is adjourned.

Yokohama Market Report and Prices Current.

STAPLE IMPORTS.

A better demand was anticipated after the holidays; but dealers report that in the interior the usual New Year settling will go on as usual, and consequently trade continues unsettled. CLOTH and articles of foreign attire have been the chief objects of attraction. YARN has been sold to a fair extent at low rates, and at the close a better feeling exists for GREY SHIRTINGS.

The *F. C. Clarke* and *Coulnakyle*, with general cargoes, have arrived from England.

Articles.		Price.			Remarks.
Cotton Piece Goods.					
G. E. Grey Shirtings:—					
7 lbs 38½ yds. 39 in.	per piece.	$2.25	to	2.30	Small demand during the past week at quotations.
8½ „ do.	„	2.50	to	2.55	
9 „ do. 45 in.	„	2.95	to	3.00	
G. E. White Shirtings:—					
56 to 60 reed 40 yds. 36 in.	„	2.60	to	2.80	Nothing doing.
64 to 72 „ do.	„	2.80	to	3.00	
T-Cloths:—6lbs. to 7 lbs	„	1.90	to	2.30	
Handkerchiefs assorted	per dozen.	.55	to	1.00	
Brocades and Spots (White)	per piece.				
do. (Dyed)...	„				
Chintz (Assorted) 24 yds. 30 in.	„	1.65	to	2.00	
Turkey Reds 24 yds. 30 in.	per lb.	.90	to	1.00	
Velvets (Black) 35 yds. 22 in....	per piece.	11.50	to	13.00	Small enquiry at declining rates.
Muslins, Cambrics & Lawns 12 yds. 42 in.	„	.95	to	1.10	
Taffachelass (double warp) 12 yds. 42 in. ...	„	2.60	to	2.95	
do. (single warp)	„	2.40	to	2.70	
Cotton Yarn.					
Nos. 16 to 24	per picul.	35.00	to	37.50	Fair sales at quotations, market weak in consequence of overwhelming stocks.
„ 28 to 32	„	43.00	to	44.00	
„ 38 to 42	„	46.00		nominal	
Woollens and Woollen Mixtures.					
Camlets SS assorted 56 to 58 yds. & 31 in. ...	per piece.	15.00	to	16.00	Nothing doing.
do. Black do.	„			11.50	
do. Scarlet do.	„	19.50	to	20.00	
Union Camlets (Black)	„	6.00	to	7.00	
Lastings 30 yds. 31 in.	„	13.00	to	14.00	
Crape Lastings do.	„	4.50	to	8.00	
Lustres & Orleans (figured) do.	„	4.50	to	6.00	Moderate sales, prices lower.
do. (plain) do.	„	5.00	to	6.00	
Alpacas 42 yds. 31 in.	„	8.00	to	9.00	
Camlet Cords 30 yds. 31 in.	„	3.50	to	4.00	
Mousseline de Laines (plain) 30 yds. 31 in. ...	per yard.	0.22	to	0.24	Scarcely any enquiry.
Cloth, Medium & Broad 54 in.	„	1.10	to	1.85	
do. Union 56 in.	„	0.60	to	0.90	
Long Ells (assorted)	per piece.	6.00	to	6.50	Little doing.
Blankets	per lb.	0.45	to	0.47	
Metals and Sundries.					
Iron flat and round	per picul.	3.50	to	4.00	Metals—Small stocks and prices firm.
„ nail rod	„	3.65	to	4.05	
„ hoop	„	3.20	to	3.60	
„ pig	„	1.30	to	1.50	
„ wire	„	6.50	to	7.00	
Steel	„	4.00	to	4.60	
Lead	„	5.50	to	6.00	
Tin Plate	per box	5.45	to	5.80	
Coals (English)	per ton.	12.00			No Business.
Sugar White No. 1	per picul.	9.00	to	9.50	Stocks further increased. Little demand and prices irregular.
do. 2	„	7.25	to	7.50	
do. 3	„	5.50	to	5.80	
do. Brown (Formosa)	„	3.40	to	3.60	
do. do. (Canton)	„	3.15	to	3.20	
do. (Swatow)	„	3.10	to	3.20	
Black	„	2.80	to	3.00	
Raw Cotton (China)	„	19.00	to		Some enquiry.

Yokohama Market Report and Prices Current.

STAPLE EXPORTS.

SILK.—Since the date of last issue, the market has continued very quiet, settlements only amounting to about 250 bales, of which fully two thirds are Oshiu sorts.

Total settlements for the season to date now stand at 9,100 bales, against 11,600 bales at same time last year. The unsold stock has increased to about 2,800 bales.

A decline in prices of about $10 per picul in Hanks and about $20 per picul in Oshius can be noted.

TEAS.—As the season draws to its close holders become very firm; and this, added to the effect of late advices, tends to prevent business on any extensive scale. The Settlements of the month therefore are but limited, probably not exceeding 3,000 piculs. Fine Teas are scarce.

Description.	Prices per Picul.	Remarks.
Silk:—		
Mybash & Sinshu Extras	$ 790 to $	
Best	$ 740 to $ 780	
Medium	$ 670 to $ 710	
Inferior	$ 580 to $ 650	
Oshu Extra	$ 800	
„ Best	$ 750 to $ 770	
„ Medium	$ 700 to $ 730	
„ Inferior	$ 650 to $ 680	
Co,shu		
„ Best	$ to $	
„ Medium	$ 600 to $ 640	
„ Inferior		
Amatskis	$ 610 to $ 650	
Echizen Medium	$ 630 to $ 650	
Sodai Best		
„ Medium	$ 640 to $ 660	
Hatchoji—Tussah		
Tea:—		
	Nominal. per picul.	
Common,	$ 38.00 „	
Good Common, nominal	33.00 to 36.00 „	
Medium do.	37.00 to 40.00 „	
Good Medium	41.00 to 43.00 „	
Fine	44.00 to 47.00 „	
Finest	50.00 upwards.	
Choice		
Sundries:—		
	nominal per Picul.	
Rice,	$ 4.50 to 5.50 „	
Seaweed, Fine cut	2.25 to 3.00 „	
„ Fine Brown	1.70 to 2.10 „	
„ Large Green	12.00 to 12.50 „	
Cuttle Fish,	12.00 to 17.00 „	
Dried Shrimps, (no stock)	24.00 to 27.00 „	
Mushrooms, do.	21.00 to 32.00 „	
Isinglass	25.00 to 52.00 „	
Sharks' Fins	18.00 to 19.00 „	
Wax, Wheite	40.00 to 50.00 „	
„ Bes, (no stock)	12.00 to 13.00 „	
Gall Nuts do.	2.20 to 2.50 „	
Sulphur,	3.25 to 5.00 per catty.	
Ginseng, (50 *a* 100 pcs. per catty) no stock	2.00 to 3.10 „	
„ (100 *a* 200 „ „) do.	6.50 to 12.00 per Picul	
Tobacco, common	14.00 to 15.50 „	
Rape Oil,	23.00 to 30.00 „	
Shell Fish,	15.00 to 17.00 „	
Camphor,	30.00 to 50.00 „	
Beche de Mer,	7.00 to 12.00 per ton.	
Coal,		

TABLES

SILK.

EXPORT SILK FROM 1st JULY TO DATE. FOR CORRESPONDING PERIODS.

	Current Season.	1871-2	1870-1	1869-70	1868-9	1867-8	1866-7.
To England	5,043	6,284	1,740	5,119	6,610	3,311	5,720
„ Marseilles	3,201	4,429	311	2,259	5,241	2,627	2,141
„ United States	143	41	81	96	680	454	25
„ Other Countries	687	337	54	—	19	1	26
Total Bales ...	9,074	11,091	2,186	7,474	12,550	6,393	7,912

COMPARATIVE TABLE OF TOTAL EXPORT OF SILK.

	1871-2	1870-1	1869-70	1868-9	1867-8	1866-7.
England	7,946	7,120	8,372	8,010	5,463	8,656
France	6,203	896	5,804	6,156	6,195	4,684
America	56	353	260	799	647	123
Other Countries	430	98	—	19	1	91
Total bales	14,635	8,467	14,436	14,984	12,306	13,554

TEA.

EXPORT TEA FROM 1st JUNE TO DATE FOR CORRESPONDING PERIODS.

	Current Season.	1871-2	1870-71	1869-70	1868-9	1867-8	1866-7.
To New York	7,645,019	7,078,923	6,850,229	4,397,243	7,328,287	5,142,753	3,800,113
„ San Francisco	1,891,552	1,472 786	1,520,093	613,004	863,427	574,473	918,129
„ England	—	—	—	74,573	731,407	553,086	151,165
„ China	—	—	—	—	1,800	49,436	—
Total pounds ...	9,536,571	8,551,709	8,370,322	5,084,820	8,924,921	6,319,758	4,869,407

COMPARATIVE TABLE OF TOTAL EXPORT OF TEA.

	1871-2	1870-1	1869-70	1868-9	1867-8	1866-7
England	—	—	100,003	970,226	772.332	667,061
New York	9,554,908	10,851,180	8,483,491	9,096,438	6,642,294	5,310,207
San Francisco	1,927,265	2,597,977	1,654,921	1,539,650	911,071	1,410,552
China	—	—	—	1,800	73,436	—
Total pounds	11,482,173	13,449,157	10,238,415	11,608,114	8,399,133	7,387,820

EXCHANGE.

Sterling.—Bank Bills.....4 months' sight.....4s. 5½d.
„ do. do. .....6 months' sight.....4s. 5½d.
„ Private do. .....4 months' sight.....4s. 5½d.
„ do. do. .....6 months' sight.....4s. 5½d. to 4s. 6d.
Paris.—Bank Bills .....3 months' sight.....5.65
„ do .....6 months' sight.....5.72½
Private Paper 3 months' sight.....5.70
„ 6 „ „ 5.77½
Shanghai.—Bank Bills.....on demand.....75
„ Private Bills...10 days' sight.....75½
Hongkong.—Bank Bills...on demand ....¼ to 1 per cent disct.
Private Bills...10 days' nominal .....1½ ⅜ cent disct.

ARRIVALS.

Dec. 23rd, Brit. barq. *Pelham*, Gardner, 340, from Hongkong, general, to Walsh, Hall & Co.
Dec. 23rd, French Corvette, *Bourayne*, Sones, 460 tons, 200 h.p., from Kobe.
Dec. 25th, French str. *Phase*, Walker, 960, from Hongkong, general, to M. M. Company.
Dec. 27th, H. M. S. *Juno*, J. K. G. Baird, 1,460 tons, 6 guns, 400 h.p., from Shanghai, via Kobe.
Dec. 28th, Am. str. *Oregonian*, Dearborn, 1,914, from Shanghai, general, to P. M. Company.
Dec. 28th, Brit. ship, *Lauderdale*, True, 854, from Newcastle, via Hongkong, Coal, to Walsh, Hall & Co.
Dec. 28th, Am. str. *Japan*, Howard, 4,352, from San Francisco, general, to P. M. Co.
Dec. 31st, French str. *Volga*, Flambeau, 971, from Hongkong, general, to M. M. Co.
Jan. 1st. Brit. ship, *Ada*, Jos. Asals, 686, from London general, to Walsh, Hall & Co.
Jan. 2nd, Am. str. *Ariel*, Newell, 1,750, from Hakodate, general, to P. M. Co.
Jan. 2nd, N. G. barq. *Codon*, Boysen, 400, from Shanghai, general, to Order.
Jan. 2nd, Brit. barq. *Mercury*, Thomas, 361, from Sydney, N. S. W., Coals, to Wilkin & Robison.
Jan. 4th, Am. str. *New York*, Furber, 2,217, from Shanghai, general, to P. M. Co.
Jan. 6th, Brit. str. *Sunda*, Hockin, 1,210, from Hongkong, general, to P. & O. Company.
Jan. 6th, Brit. str. *Galley of Lorne*, Robinson, 1,285, from London, via Singapore and Hongkong, general, to Gilman & Co.
Jan. 8th, Brit. barq. *F. C. Clarke*, Metcalf, 648, from London, general, to Smith, Baker & Co.
Jan. 8th, Brit. barq. *Miako*, Anderson, 516, from New York, Coals, to Wilkin and Robison.
Jan. 10th, Brit. ship, *Coulnakyle*, Dapp, 576, from London, general, to Strachan and Thomas.
Jan. 10th, Brit. Sloop of War, *Rinaldo*, Com. G. Parson, 1,365 tons, 752 h.p. from Shanghai, via Nagasaki and Kobe.
Jan. 11th, French str. *Menzaleh*, Mourrut, 1,009, from Hongkong, general, to M. M. Company.
Jan. 11th, French barq. *Ormy*, Magson, 624, from Nagasaki, Coals, to Order.
Jan. 11th, Am. str. *Relief*, Corning, 791, from Shanghai, general, to P. M. Company.
Jan. 16th, French Corvette, *Cosmas*, Lefiose, 1,800, from Kobe.
Jan. 17th, Am. str. *Oregonian*, Dearborn, 1,914, from Hakodadi. general to P. M. S. S. Co.
Jan. 17th, Am. str. *Alaska*, Lachlan, 4,011, from San Francisco, general, to P. M. S. S. Co.
Jan. 21st. Am. str. *Japan*, Howard, 4,000, from Hongkong, general, to P. M. Co.
Jan. 22nd, Brit. str. *Madras*, Bernard, 606, from Hongkong, general, to P. & O. Co.
Jan. 23rd, Am. str. *Ariel*, Newell, 590, from Shanghai, general, to P. M. Co.

DEPARTURES.

Dec. 22nd, Am. str. *Ariel*, Newell, 1,736, for Hakodate, general, despatched by P. M. Company.
Dec 24th, French str. *Menzaleh*, Mourrut, 1,008, for Hongkong, general, despatched by M. M. Co.
Dec. 24th, Am. str. *Colorado*, Warsaw, 3,767, for San Francisco, despatched by P. M. Co.
Dec. 24th, Brit. barq. *Sarah Scott*, Estell, 536, for Chili, ballast, despatched by Captain.
Dec. 26th, Fren. ship, *St. Aubin*, Bloutet, 1,136, for Hongkong, Rice, despatched by Walsh, Hall & Co.
Dec. 28th, Brit. barq. *Harwich*, Dickson, 613, for Hongkong, Rice, despatched by Walsh, Hall & Co.
Dec. 28th, Am. str. *Costa Rica*, Williams, 1,917, for Shanghai, general, despatched by P. M. Co.
Dec. 30th, Am. str. *Japan*, Howard, 4,352, for Hongkong, general, despatched by P. M. Co.
Dec 31st, P. & O. str. *Bombay*, Davies, 1,174, for Hongkong, general, despatched by P. & O. Co.
Jan. 4th, Brit. barq. *Cleta*, Middleton, 520, for New York, Tea, despatched by Aspinall, Cornes & Co.
Jan. 4th, Am. str. *Ariel*, Newell, 1,750, for Shanghai, via Hiogo and Nagasaki, general, despatched by P. M. Co.
Jan. 4th, Am. str. *Oregonian*, Dearborn, 1,914, for Hakodate, general, despatched by P. M. Co.
Jan. 7th, Fren. str. *Volga*, Flambeau, 971, for Hongkong, general, despatched by M. M. Company.
Jan. 11th, Brit. str. *Galley of Lorne*, Robinson, 1,385, for Hiogo, general, despatched by Gilman & Co.
Jan. 14th, P. & O. str. *Sunda*, Hockins, 1,210, for Hongkong, general, despatched by P. & O. Co.
Jan. 17th, Am. str. *New York*, Furber, 2,217, for Shanghai, &c., general, despatched by P. M. S. S. Co.
Jan. 18th, P. M. str. *Alaska*, Lachlan, 4,011, for Hongkong, general, despatched by P. M. Co.
Jan. 20th, P. M. str. *Relief*, Corning, 791, for Shanghai, general, despatched by P. M. Co.
Jan. 21st, French str. *Menzaleh*, Mourrut, 1,009, for Hongkong, general, despatched by M. M. Co.

PASSENGERS.

Per Am. str. *Relief*, for Shanghai.

T. B. Jamieson, and 1 in the steerage.

FOR NAGASAKI.

20 in the steerage.

FOR HIOGO.

Messrs. J. Rowe, W. Smith, and 2 Japanese; 15 in the steerage.

Per Am. str. *Ariel*, for Hakodate.

1 Japanese in the cabin, and 10 in the steerage.

Per M. M. str. *Menzaleh*, for Hongkong.

Messrs. Sheppard, Annecke, Magniac, Whitall.

FOR PORT SAID.

Messrs. Bernard, Kiriakido.

FOR MARSEILLES.

Mr. and Mme. Michaud and 2 infants, Mme. Anquetil and 1 infant, Mr. Gyimon.

Per P. M. Str. *Colorado*, for San Francisco:

Mr. French, Michel de Miczoul, T. E. Addis, Dr. Knight, Mr. and Mrs. Wardens, B. R. Lewis, Miss Wardens, Chas. Weeks, Mrs. Montague, J. R. Macrae, H. G. Hollingworth, J. H. Maron and W. H. Hagedern.

Per Am. str. *Oregonian*, from Shanghai.

Messrs. J. M. Reynvan, wife, infant and nurse, J. Von Fischer and servant, Shephard and servant, Reside, 10 Japanese officers, James Cook, Brillmar, Vatake. 113 in the steerage.

Per Am. str. *Japan*, from San Francisco.

FOR YOKOHAMA.

Jas. H. Mole, J. D. Carroll, F. Geisenheimer, W. Wilkie, Miss Mary Barre, W. F. Patterson, Mrs. P. G. Hubbbard, Robert Stewart, J. Schultz, J. Tangs, Dr. H. K. Platt, K. Moridera, J. S. Mabon, G. Kanabada, Richard Niewerth, Mrs. Wm. Thomas and eight in the steerage.

FOR SHANGHAI.

J. P. Mellor, wife and servant, Miss L. Klein, F. Rouse, W. J. Blydenburg, wife and child, Miss M. Stuart, Francis J. Green, John Cornwall, L. Harre, Thos. B. Hedge, Rev. J. H. Quinby, wife and two children, Rev. G. D. Miller and wife.

FOR HONGKONG.

Mr. Ghuldhans, wife and servant, Robt. B. Smith, J. B. Browne, T. M. O'Toole, 855 Chinamen.

Per Am. str. *Costa Rica*, for Shanghai.

Messrs. Cutts, C. Hardy, J. Hensen, S. G. Douns. Mrs. Lord and child, Mrs. Ligthorne, 6 Japanese, Mrs. Domoney and child, Nordenstedt, Bishop, and 1 Japanese.—In the steerage. For Hiogo.—100. For Nagasaki.—48. For Shanghai.—10.

Per French str. *Volga*, from Hongkong.

Messrs. Barrelet, Kobagaski. Hiyassi, Itsutsutje, Takatsutje, Kagawa, Ekada, Hino (Japanese).

Per Am. str. *Ariel*, from Hakodate.

Messrs. J. H. Hawes and wife, B. T. Lothrop, Capt. Withers, Tuck Hong, and 75 in the steerage.

Per Brit. barq. *Mercury*, from Sydney.

Nine Cabin passengers, Mr. Marsh and family.

Per Am. str. *New York*, from Shanghai.

Messrs. Geo. Hamilton, J. F. Twombley, M. Dunker and servant, A. H. Macomber and servant, M. Twivellet, and servant, C. S. Stewart, A. S. Fobes and servant, Capt. T. Robertson, and 53 in the steerage.

Per Brit. str. *Sunda*, from Hongkong.

Mr. and Mrs. Evers, Mrs. Hockins, infant, and servant, Messrs. R. Lindau, Grosser, Wagenvars, Omara, Line, and six deck passengers.

Per Am. str. *Ariel*, for Shanghai.

Mr. Blydenberg and family, Mr. J. R. Miller, wife, and servant, Messrs. T. B. Hodge, F. D. Green, Jas. H. Mole, John Camwall, Kum Long, and six in the steerage.

FOR KOBE.

Mrs. Domoney, F. von Fischer, five Japanese, and two children, and 48 in the steerage.

FOR NAGASAKI.

Forty-eight in the steerage.

Per Am. str. *Oregonian*, for Hakodate.

Messrs. H. Allen, jr., and Wilcke, and four Japanese, and 10 Japanese in the steerage.

Per *Volga*, for Hongkong.—Messrs. A. Restalic, C. Hannen, Baillman, Morris, Achee, Ayeung.

FOR PORT SAID.

Mr. N. Attavandino.

FOR MARSEILLES.

Messrs. Nacayama and servant, Miva, Lescot.

Per *F. C. Clarke* from London—Mr. R. Gelon.

Per Am. str. *Menzaleh*, from Hongkong.

Messrs. Anderson, W. C. Bonger, Milsom, Wyon.

FROM MAURITIUS.

Mrs. Fitzroy Rice, Mrs. Corby.

Per P. & O. str. *Sunda*, for Hongkong.

Mrs. Burton, Messrs. Deletman, Baron Stillfied, Mrs. Hockin.

Per *New York*, for Shanghai.—Mr. Shuldham, wife and maid.

FOR HIOGO.

J. D. Carroll, Mr. Bonger, Mrs. Weong, E. C. Kirby, A. J. Baudwin, Iwasaki, G. Courtensen, Mr. Dunker, 4 Japanese, 75 in steerage.

FOR NAGASAKI.

30 Japanese in steerage.

Per *Oregonian*, from Hakodadi.—100 Japanese.

Per *Alaska*, from San Francisco:

FOR YOKOHAMA.

Messrs. A. Schunck, B. L. Lyman, J. H. Hall, T. Magona, Y. Suada, S. Kubo. Steerage—P. Hahn.

FOR SHANGHAI.

Mrs. Newman.

FOR HONGKONG.

Steerage—221 Chinese.

Per *Relief* for Shanghai—Miss Goldenberg, Messrs. C. A. Flanders, and Saml. Seabury, U. S. N.,

FOR NAGASAKI.

Mr. E. J. Fraser, and 28 Japanese in steerage.

FOR HIOGO.

Capt. Reynell and servant, and 38 in steerage.

Per French str. *Menzaleh*, for Hongkong.

H. H. the Prince Auguste de Saxe Cobourg Gotha,
do. do. Philippe de do. do.
Doctor Waura, M. M. Nickitsh, Gwillig, Poulman, Barralet.

FOR MARSEILLES.

M. M. H. Bosman, Emeter, Baske, Také, Watanabé, Madame Tsuru.

FOR SAIGON.

16 Sailors.

Per Am. str. *Japan*, from Hongkong.

FOR SAN FRANCISCO.

Rev. Mr. McCrawley, Nelson Spratt, Miss Adams, Fung Pah, Mrs T. W. Hubbard, Chung T. Wye, 703 steerage.

FOR YOKOHAMA.

F. Townley and wife, 10 steerage.

Per Brit. str. *Madras*, from Hongkong.

Messrs. Fisk, Davison, Leuther, and 1 Deck.

TO ARRIVE.—Per M. M. str. *Volga*:

From Marseilles, for Yokohama.—Mons. and Mme. Savatier and child, Mons. and Mme. Jourdan, Mme. Jacquemot and daughter, Mme. Morf, Messrs. Abé, Grumwald, and de Montour.

CARGO.

Per M. M. str. *Menzaleh*, for Hongkong.

Raw Silk,	101	bales.
Waste Silk,	135	„
Rice,	4,000	bags.

Per *Volga*, despatched 7th instant:

Raw Silk	65	bales.
Waste Silk	162	„
Rice	4,000	bags.
Sundries	345	pkgs.

Per French str. *Menzaleh*, for Hongkong.

Raw Silk,	106	bales.
Waste Silk,	49	„
Sundries,	2,000	pkges.
Rice,	4,000	bags.

Printed and published for the proprietors by JAMES R. ANGLIN, *at the* "JAPAN GAZETTE" *Printing, Office, No.* 87, *Main Street, Yokohama, Japan.*

Adv Advt

Mr Brooks

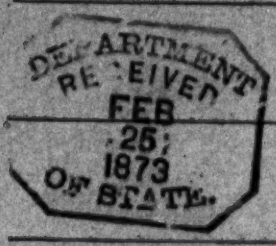
No 342 United States Legation

Japan January 28. 1873

From

C. E. DeLong

U. S. Minister



Contents

Drawing Room Reception given
by Her Majesty the Empress & How the
Empress. & Mlle Madame de Butzow
and myself and Lady. also the
New Year's Reception by the Mikado,
of the Diplomatic Corps

No 342 United States Legation

Yokohama January 28 1873

Sir:

I have the honor to advise you that on the 17th inst. pursuant to invitation Mrs De Long and myself in company with Mr E. de Butzow Chargé d'affaires for Russia proceeded to the Castle to attend a Drawing Room Reception given by Their Majesties.

As an act of special favor and politeness, our carriages were allowed

Hon Hamilton Fish
Secretary of State
Washington D.C.

allowed to be driven to the
Household entrance, where we
were received by the proper
officers and immediately —
escorted to the Audience Chamber
where we found Their Majesties
awaiting us, who received us
standing surrounded by a large
number of Officers of Court and
Ladies in waiting.

After the ceremonies of formal
introduction were concluded,
congratulatory and complimentary
remarks from all parties were
made, at the conclusion of which
Their Majesties graciously shook
hands with the ladies. —

Her Majesty then addressing
me

said: "Having received and carefully
"considered compleat accounts of
"the reception and treatment by
"your Government and people of
"the Embassy that We recently
"sent to your Court, We beg
"to express to you the deep sense
"of gratitude we feel toward your
"Government and people, and
"beg you to communicate Our
"thanks. We also feel deeply
"grateful to you, Sir, for your
"courteous attention and great
"kindness extended to Our
"Ambassadors. We take this
"occasion to make Our thanks
"and Our opinions known."

To which I replied,

expressing

expressing my thanks and assuring His Majesty that I would communicate his remarks to my Government without delay.

His Majesty again addressing me remarked "It is with pleasure I observed that the welcome Our Queen has received, appeared to come with equal cordiality from all classes of your people which gave us special pleasure"

At the conclusion of these ceremonies, Their Majesties retiring a few steps were seated in chairs and we were requested to take seats

in others placed near their
Majesties, to the right, and
in front. which we did
accordingly. The Ladies of
Honr and Gentlemen of the
Household being seated
opposite to us. After which
a free conversation of several
minutes duration followed
in which both of Their Majesties
and all of our party joined

During the course of this
conversation Her Majesty
enquired about the health
of our children, and expressed
the wish to Mrs De Long
that on the next occasions of
this nature, our little
daughters should accompany
us

Mrs Dr Long, in addressing
Her Majesty observed that
the ladies of the American
Nation would hail with
pleasure the information
that she would now be able
to convey, advising them
that the ladies of Japan
under the guidance of Her
Majesty had entered upon
social relations with the
ladies of foreign states. To
which Her Majesty replied
that for a long time it
had been her wish and
intention to inaugurate
this movement.

After further conversation
of a similar nature

Their Majesties arose, and in bidding us adieu, kindly shook hands with us all.

We then retired to an adjoining room, where we were given refreshments, the Ladies of Hmm and Officers of the Court partaking with us. after which, we were conducted to the private recreation grounds of Their Majesties shewn the Queen's residence, and there withdrew.

I have been thus particular in detailing the proceedings at this Audience, as I regard it as one having an historical value: it being the

first

first reception ever accorded by Their Majesties to foreign ladies, and marks the progress of this Nation in the adoption of foreign ideas as strongly, as did His Majesty's first reception of foreign officials.

On the Second of this month the Diplomatic Corps had a body was received by His Majesty and exchanged congratulations upon the advent of a new year. Nothing special occured to recapitulate a more full & complete description of the ceremonies that were observed,

We should have been

been received upon the
First. and would have
been there received but
for the request of the
Italian Minister, - he being
at present the Dean of our
Corps - saw proper to arrange
it differently to accord with
the customs prevailing at the
Papal Court. This arrangement
after having been entered into,
we thought best not to distort
but all of us excepting
the Italian Minister informed
the Minister for Foreign Affairs
that we objected to this
proceeding forming a precedent
which notice was accepted.

I have

I have the honor to remain
Sir
Your obedient Servant
E. C. De Long

Delegation Japan
Care Legation, Russia
Dated Tokyo 23rd 1873.

No 342

Sir

Drawing prepared in pursuance of the Instructions of the Secretary of the Navy with dispatch No 339 of this Legation.

Respectfully
Lieutenant Corps of Engineers
U.S. Navy
2 Inclosures

Mr. Bodan

Ans. Feb 25

No 343 U. S. Legation Japan

January 23rd 1873

From

C. E. De Long

U. S. Minister

Contents.

Collect Books dismissed from the Consular Service of Japan. Maps Rio and Rubs. New Ambassadors recalled.

No 343

United States Legation

Yokohama January 23. 1873.

Sir,

I have the honor to inform you, of the receipt by me this evening of a note from the Interpreter of the Foreign office, Mr Ishibashi, advising me that by direction of the Minister for Foreign affairs he wrote to inform me that Charles Wolcott Brooks Esq. had been dismissed by this Government from the office of Consul for Japan at San Francisco, and that instructions

to

Honorable Hamilton Fish

Secretary of State

Washington D.C.

to that effect would go forward by this mail.

I also beg leave to advise you that a few evenings since, H.E. the Minister where at my residence with the Diplomatic Corps advised us as follows. "His Imperial Majesty's Government has found it needful to employ Kido and Okubo in the internal affairs of the Empire. He has therefore relieved them from further service in the Embassy now visiting the Treaty Powers and recalled them to Yeddo. The other Ambassadors accredited to friendly States will continue to discharge their duties as heretofore. I hope Your Excellency will communicate this matter to

11

to your Government.

I am convinced that this action of withdrawing the two representatives of the two contending Claims in this Empire has a deep political significance; - but as yet, I have been unable to fathom it. I am convinced, however, that it has been instigated by persons inimical to Mr. Ewa Kuna.

I have the honor to remain

Sir,

Your most obt Servant

C. E. De Long

Rec'd April 3
Copy transmits order of permission to Sec of Treasury
Answered

No 344. Dis'd do 31 March Mr. Burlingame

STATE DEPARTMENT OF STATE MAR 29 1873

United States Legation Japan

Yokohama February 7. 1873.

From

C. E. Delong

U.S. Minister

Contents

Prohibition against exportation of Saltpetre removed.

Enclosure 2.

No 344.

United States Legation Japan

Yokohama February 7. 1874.

Sir,

I have the honor to advise you that on the 29th of last month, I received a note from the Japanese Minister advising me of their Government having abolished the prohibition against the exportation of Saltpetre (Enclosure 1) to which I replied on the 31st January expressing my regret that an intimation was contained in the

Hon Hamilton Fish

Secretary of State

Washington D.C.

the cause to the effect that
in the future it might be
renewed. (Enclosure No 2)
2/8/44

I have the honor to be
Sir
Your obed't Servant
C E De Long

List of Enclosures
No 1 The Japanese Govt to Mr De Long
2 Mr De Long's reply

Copy of Translation

Tokei 20th of 1st Month

6th year Meiji

According to one of the articles
in the Treaty between your
Country and ours the exportation
of Saltpetre is prohibited, and
I have now the honor to inform
your Excellency that this prohibition
has been removed, and that
Saltpetre will be allowed to be
exported the same as any other
commodity. The export duty
upon it has been fixed at 5%
advalorem. Should circumstances
lead the Government to desire
to re-establish the prohibition
upon the exportation of Saltpetre
Thirty days notice of that
intention will ~~will~~ be given

your

you

With respect & consideration

Sayeshima Tonomi

Kaikyu Minister for Foreign

His Excellency Affairs

C. E. De Long

Env Ex & Min Plen

of US and Hawaiian Islands

Copy

No 9 Ulegation Yokohama

Japan January 31st 1873

Their Excellencies

The Ministers for Foreign Affairs

Yedo Japan

Your Excellencies

I have the honor

to acknowledge the receipt of

your note of Date the 20th inst

advising me of the action of

your Government in suspending

the prohibitory article in the

Treaty prohibiting the exportation

of Saltpetre. I rejoice at this

action as one of many wise

steps recently taken by your

Government in removing unwise

restrictions upon the Commercial

intercourse of your people.

with

with other nations of the earth; but I regret that the concluding paragraph of your note contains an intimation that this prohibition may at some time in the future be removed.

It may be questioned as to the power of your Government to renew a prohibition once withdrawn without the consent of those powers with whom Japan has treaty relations, and it is clear I think that if this power does reside in your Government that it would have been more in the security and interest of the public to have made the notice to be given one of six months rather than thirty

thirty days thus affording ample time to close mercantile transactions in this article even with the people of the most distant States before the prohibition could be renewed. As this action upon the part of your Government is a departure from the rule prescribed by our treaty relative to the subject, it looks for ratification at the hands of my Government. I will therefore at once report the same to my Government and communicate to Your Excellencies such instructions as I may receive in reply.

I have the honor to remain

Your Excellencies obedient Servant

C C Dodge

Legation of Japan
C. de Long Minister

No 344

Date Feb 7th 1873

Two Enclosures

Prohibition against
Exportation of Saltpetre
removed

Ackd 3 April

No 345

Legation Yokohama

Japan February 9th 1873

Hon

E. E. De Long

U.S. Minister

- Contents -

Acknowledging the receipt of

dispatches Nos. 157. 158. & 159.

No 345 Delegation Yokohama

Japan February 9th 1873

Sir

I have the honor to

acknowledge the receipt of dispatches

Nos 157. 158. and 159.

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

Hon Hamilton Fish

Secretary of State

Washington D C.

Legation Japan
to Fder Leng. Minist

No 345.

Dated Feby 9th 1873.

No Enclosure.

Acknowledging the
receipt of dispatches

Feb

Order Number 29

No. 346.

DEPARTMENT RECEIVED MAR 29 1873 OF STATE.

Mr Bodan

Actid 3d April

United States Legation in Japan

Yokohama February 17. 1873

From

C. E. De Long

U.S. Minister

Contents.

Convention for the government of Yokohama amended. New Court established by the Japanese Government for the Kanagawa Ken notified and recognized.

No. 346

United States Legation in Japan

Yokohama February 17. 1873

Sir

I have the honor to advise you that on the 12th of September last I received from the Minister for Foreign Affairs, a note, (enclosure No 1) 1/346 advising me of the establishment of a Court of Justice for the Ken of Kanagawa. vested with the jurisdiction formerly vested in the Governor and Municipal Director.

This action in my judgement being a plain violation of the

Hon. Hamilton Fish

Secretary of State

Washington D.C.

the municipal regulations governing Yokohama adopted in 1867. I replied to the Minister calling that fact to his attention and suggesting that the Regulations be amended. (Enclosure No 2)

2/3/46

On the 19th of the same month H.E. replied to me by a note in which he questioned the character and binding force of those Regulations, and claimed the right to be in his Government, to vest the Court with the jurisdiction it had without asking the consent of Foreign Representatives (Enclosure No 3)

3/3/46

To this, I immediately replied taking issue with the position he had assumed, asking him if he repudiated the Convention in question, but at the same time carefully advising him that

that this objection on my part had not been raised from any desire of mine to oppose a proper organization of a Court for this district. - That my desire was simply to prevent a Convention - to which my Government was a party from being overridden and to save his Government from committing a blunder in the organization of this Court (Enclosure to 4.) 4/4/6/3

On the 22nd of October following the Minister replied, advising me in direct terms that his Government no longer regarded itself as being in any way bound by the Convention in question, and emphatically denying that the instrument I

alluded

alluded to, was a Convention in
5/346 fact. (Enclosure No 5.)

I immediately replied, expressing
my regret that he had arrived
6/346 at the conclusions he had announced
and informing him that I would
report the matter to my Government
(Enclosure No 6.)

Subsequently, and before I had
an opportunity of reporting to
you, the Minister alluded to
the subject in conversation with
me, - by asking what reasons I
had for considering that document
a Convention. I remarked in
reply, that I had prepared to
give him the information, but he
had abruptly terminated

the

the discussion by announcing his intention to disregard the document, having me no opportunity of presenting my side of the case. That I would continue the discussion and furnish him with the proofs. If he would request me to do so in writing.

Accordingly on the 18th of October, I received a note from him proposing to renew the correspondence. (Enclosure No 4) 4/346

A few days after receiving this note, the Minister called upon me, and in course of the conversation informed me, that when this controversy arose,

he

he was busily occupied with other
matters, and had referred this
subject to Mr E Peshine Smith.
requesting him to be particular
not to make any mistakes, and
that upon his, — Mr Smiths —
assurances, he had signed the
notes that had been sent to
me, without deliberation. —
That he regretted the condition
to which the matter had arrived
— that he feared he was in error,
and wished me to adjust the
matter satisfactorily, and
enquired of me, how this could
be done. I replied that it
could only be done by a
note from him recognizing
the

the Convention in question, and proposing an amendment, which when made would divest the Crown and Municipal Courts of their judicial jurisdiction, placing the same in the new Court which had been organized —

The Minister then asked me, if I would endeavor to obtain the consent of my Colleagues to such an amendment, if he should propose it, which I promised to do.

On the 18th of January last, the Minister addressed me a note proposing an amendment to the Convention and asking my opinion regarding the

sufficiency

sufficiency of the cause.

8/3 46 (Enclosure No 8.)

I replied to this on the same day, suggesting a different

9/3 46 amendment. (Enclosure No 9)

to which, on the 23rd January

10/3 46 the Minister replied, accepting the amendment I had proposed, with a slight modification.

On the 29th January I addressed a note to my Colleagues, the representatives of Foreign Powers, advising them of the amendment proposed by the Japanese Government to the Convention and Question, and asking their consent thereto

11 (Enclosure No 11)

On the 1st of this month

at

at a meeting of the Diplomatic
Corps, all being present except
the Italian Minister, this subject
was called up for discussion, when
it was agreed by all present
that our Governments were
interested in having some
tribunal named wherein the
subjects or citizens of non-treaty
Powers, might be sued. That
it was unquestionably with
this object in view, that the
4th Article of the original
Convention had been adopted.
~~and~~ that the Courts and
Municipal Directors could not
be divested of this jurisdiction
except by amending the
Convention

Convention, and therefore, the Amendment proposed was proper and necessary. Whereupon they endorsed in writing their consent upon the letter which I had forwarded to them, and have returned the same to me

12/3/46 (Enclosure to 12.)

On the same day I addressed the Minister a note, advising him of this action of my Colleagues, and announcing my consent thereto, on behalf of the United States, and the Kingdom of Holland.

13/3/46 (Enclosure to 13)

On yesterday I received a reply from the Minister announcing his satisfaction therewith.

14/3/46 (Enclosure to 14) Whereupon

whereupon, I at once addressed a note to our Consul at this Port directing him to recognize, and transact judicial business with the newly established Japanese Court. (Enclosure No 15) and thereafter I addressed the Japanese Minister advising him of my proceedings (Enclosure No 16) 15/3/46 16/3/46

I beg leave to state that prior to the enclosure to this correspondence, the Minister in communication, advised me, that no record of any letter consenting to this Municipal Regulation, on the part of his Government, could be found in its archives. That upon enquiry none could be found,

found in the archives of any of the other foreign Representatives and he asked me to let him see the one I had on files, which I at once produced, and he at once remarked, "I have nothing more to say:" "You are in the right."

This whole matter may appear to you, to be somewhat trivial in its character, but in my mind, it was very important to prevent the establishment of a precedent, calculated & effect similarly adopted Regulations governing all the Treaty Ports, in the Empire.

In view of the large number

of

of peoples residing here, who are citizens or subjects of non-treaty Powers, with whom our people transact business and have frequent disputes, it was also important to have some Court specially denominated, in which actions might be brought against them.

Trusting to your kind approval, I have the honor to be,

Sir,

Your most obedient Servant

C. C. De Long

— List of Enclosures —

No 1. Min. of F. A to C. C. De Long

advising him of establishment of a new Court of Justice for Kanagawa.

No 2. C. C. de Long in reply, suggesting that action is in violation of the Convention governing Yokohama, and proposing its amendment.

No 3. Reply of Minister for F. A. denying the existence of any Convention.

No 4. C. C. de Long in reply, asking the Government if it denies the binding force of the instrument in question.

No 5 Reply of the Minister, denying any obligation of the Government, to exist, under that instrument

No 6. C. C. de Long in reply, expressing his regret, and promising to report the facts to his Government.

No 7. Min. for F. A. Requesting to reopen the discussion

No 8. Min. for F.A. proposing an Amendment to the Convention.

No 9. C.C. DeLong in reply, proposing a Counter-Amendment.

No 10 Min. for F.A. accepting the Amendment with a slight modification.

No 11. C.C. DeLong to the Ft. Rep's submitting the proposition of the Japanese Government.

No 12. Written consent of the Foreign Representatives

No 13. C.C. DeLong to Min. for F.A. announcing the action of the Ft. Rep's and giving his consent on the part of the U.S. & Holland.

No 14. Min for F.A. announcing the satisfaction at this action.

No 15. C.C. DeLong to C.C. Shepard in-

instructing him Recognizing
the new Court.

to 16. C & D Long to Mr. for F. A.
announcing the instructions given
by him. to the Consuls of the
United States & Holland

Received Sept. 12th. 1872.

Copy of Translation

Foreign Office

Tokei 10th of 8th Month

of 5th Year Meiji

Sir

I have the honor to inform Your Excellency that in the Kanagawa Ken a Court of justice has been established and that messrs. Shiho Gon Chin Kanji Nishi Narimori and Gon Chin Kenji Otazka Masao will sit there in judgement and from our 11th inst occupy themselves with the complaints which heretofore has been under the jurisdiction of the Kanagawa Ken.

With respect & consideration

To H. E. Yoyeshima Tomomi

&c &c &c H.J.M's Minister for F. A.

Eng Ex & Min Plen.
of USA in Japan

Copy

No 109 US Legation Japan

Sept 12th 1872

Your Excellency

The undersigned * acknowledging the receipt of Your note of date the 11th of the 8th month 5th year Meiji advising him of the organization of a new Court of Justice for Kanagawa begs leave to call Your Excellencys attention to the fact, that by the terms of the Convention concluded at Yedo October 28th 1867 it is provided that the Governor of Kanagawa assisted by the Foreign Director shall constitute the local tribunal of the Japanese Government at this port for the trial of cases

and

and hearing of complaints preferred by Foreigners, which Court so constituted may advise with the Foreign Consuls

The undersigned therefore would respectfully suggest, that to alter the organization of such Court or to transfer its jurisdiction to another it will be necessary to first obtain the consent of the parties to the Convention above refered to.

With respect & consideration

(sgd) E. E. Dedong

Envoy Extraordinary & Minister Plenipotentiary of USA in Japan

H. E.

Yoyeshima Tonomi

H. I. J. Ms Minister for Foreign Affairs

Received Sept 19th 1872

Copy of Translation

Foreign Office

Tokei 12th of 8th Month

of 5th Year Meiji

Sir

I acknowledge the receipt of your note dated Sept. 12th 1872 in relation to the organization of a new Court of Justice for Kanagawa.

The paper to which Your Excellency refers as "the Convention concluded at Yedo October 28th 1864" is I presume the memorandum made under that date of measures which your representatives of treaty powers deemed essential under present circumstances to insure the maintenance of order and of health within the said Foreign Settlement, Yokohama.

Your Excellency will find by consulting the

the records of your Legation that your predecessor Mr Van Valkenburgh when communicating this paper to his Government designated it as "an arrangement providing for Municipal Government at Yokohama."

It was neither in form nor in substance a treaty or convention in the diplomatic sense of those words.

There is nothing in its terms by which the parties or either of them engaged to adhere to the arrangement for ever.

For these reasons I thought and still think it quite unnecessary to ask the consent of any other power to the new judicial system which His Majesty the Emperor has put in operation

With

With respect & consideration

(sgd) Soyeshima Tanenomi

Vice Minister for Foreign Affairs.

To H.E.

C. E. De Long.

Env. Ex & Min Plen.

of United States America

Copy

No 112 US Legation Japan

September 19th 1872

His Excellency

Soyeshima Tanenomi

Minister for Foreign Affairs

Your Excellency

Acknowledging the receipt of your favor of date the 18th of 8th Month 5th year Meiji. I beg leave in reply to state, that the paper I refered to in my former communication as a Convention, was that certain instrument bearing date the 22d of October 1862 signed by five of the Representatives of the Treaty Powers, and in itself I admit it was but a memorandum on the part of the signers, but,

as

as your records must show, it was submitted to you as a proposal embodying the terms and conditions under which the signers thereto proposed, subject to the acceptance of those terms by your Government to transfer the control of the Municipal Affairs of Yokohama to the Japanese Government.

The acceptance by your Government of this proposal gave this instrument the full force and effect of a Convention binding alike on all parties until modified or set aside by agreement.

My records show that your Government did formaly accept the charge and control of the Municipality of Yokohama, subject to

to the terms of the proposal submitted by the five Foreign Representatives.

If there is any misunderstanding between us about this matter it is of first importance to all concerned, that we should at once arrive at some distinct understanding relative to this subject. I therefore submit to Your Excellency the following questions to wit.

Has the Japanese Government at any time accepted the suggestions and recommendations contained in the joint proposal or address submitted to it by Sir Harry S. Parkes, L. Roches, R B. Van Valkenburgh, Mr. Von Brandt and Mr. de Graff von Polsbrock relative to the management of the Municipal Affairs

of

of Yokohama, dated Gedo October
28th 1867.

If Jeai when and in what
manner was such acceptance
signified?

If may! has the Japanese
Government ever at any time so
advised any of the Foreign
Representatives.

Does the Japanese Government at
this time regard itself as being
in any way bound or obligated
by the terms of that instrument
in its management of the
Municipal Affairs of Yokohama?

I would feel extremely obliged to
Your Excellency if you would
without delay and in as direct
a manner as possible answer
the

the foregoing questions to the end that I may know your exact position, that I may define my own to you.

Before however I obtain your reply I wish to make myself clearly understood by you.

I know of no objection other than the one I stated in my former letter, to your Government organizing a Court of Justice for this place in the manner you have. My previous letter was not intended to foreshadow any opposition, but solely intended to call your attention to a course to be pursued which in my opinion being the only correct one would save your Government from any subsequent trouble.

It

it was a suggestion intended in the greatest friendship for your own good.

The consequences of ignoring the Convention under which the affairs of this Municipality was transfered to the Japanese Government may be such as to cause you to regret having done so rather than to ask its amendment in such particulars as you wish, which I have no doubt you could obtain by making a simple request.

I have the honor to remain

Sir

Your most Obedient Servant

C. E. De Long.

Received Oct 2nd 1872

5

Copy of Translation

Foreign Office

Tokei the 29th of the 8th

Month 5th Year Meiji

I acknowledge the receipt of

your note under date of Sept 19th

1872 No-112.

I had supposed my letter of

19th 8th month 5th year Meiji could

leave no doubt about the position

which I hold. At your request

however I answer that the Japanese

Government does not at this time

regard itself as being in any way

bound or obligated by the terms

of the memorandum of Oct 28th

1867 in its management of the

municipal affairs of Yokohama.

It has already given you and

other Foreign Representatives notice

of

of the only change it has thus far thought proper to make in the arrangements existing at the date of that notice

With respect & consideration

(Sgd) Soyeshima Tanenori

H. I. H. C.

C. E. De Long.

En Ex & Minister Plen of

USA in Japan.

Copy

No 115 U.S. Legation Japan

October 2nd 1872

His Excellency

Soyeshima Tonomi

Minister for Foreign Affairs

Sir

The undersigned acknowledging the receipt of your note of date the 29th of the eighth month 5th year Meiji advising him that your Government no longer considers itself bound by the arrangements entered into by it with the Foreign Representatives relative to the management of the Municipal Affairs of Yokohama begs leave in reply to express his deep regret at this conclusion upon your part which is a refusal to abide by a Convention equally as

as formal and binding upon all concerned as are any of the others by which the Municipal Affairs of the other various treaty ports in your Empire are governed In view of the importance of the matter to American interests here the undersigned will at once transmit the correspondence that has ensued between us home to the State Department of the United States for instructions and in the meantime can but consider American Citizens residents of Yokohama restored to the same condition of Municipal Government as that which existed prior to the adoption of the arrangement now abrogated upon your part.

I have the honor to remain

Sir

Your most Obedient Servant

C. E. De Long.

Received Oct. 15th 1872

Copy of Translation

Foreign Office

Tokei the 13th of 9th month

of the 5th Year Meiji

I have the honor to reply to

your Excellencys letter dated the

2nd of October 1872 as follows.

We have frequently corresponded relative

to the arrangement of the 28th of October

1869 concerning the management of

the Municipal affairs of Yokohama

but neither of us quite understood

the other.

I have had the pleasure of meeting

you lately and of discerning your

views and will renew the discussion

on the subject.

With respect & consideration

Yo. Hō. (by) Sojeshima Tanemi.

C. E. De Long

Ch. Br. & Min. Plen

of USA in Japan

Received Jan 13th 1869 8

Copy Tokei the 12th/11th

Month of 6th Year Meiji

Sir

I had last year frequent communications with your Excellency about the arrangement dated Oct. 28th 1867. regarding the management of the affairs of the Foreign settlement of Yokohama and I fully understand your meaning. I surpose altering the words "the Governor of Kanagawa" in the article in that arrangement relative to prosecutions, to the words." the officer of the judicial Department. Please give me your opinion upon this month.

H.E. With respect & Consideration

C.E. De Long &c Goyeshima Tonomi

Em. Ex & Min Plen

of USA in Yokohama

Copy No 4

US Legation Yokohama

Japan January 13th 1893

His Excellency

Kayeshima Tonomi

H.I.J.M's Minister for Foreign Affairs

Your Excellency

I have the honor to acknowledge the receipt of your note of date the 12th of 1st Month of 6th year Meiji proposing an amendment to the Municipal arrangements heretofore adopted for the Government of Yokohama. Understanding by your note that you in effect recall the announcement you made to me in your former note of the 29th of the 8th Month 5th year Meiji wherein you advised me that the Japanese Government does not at this time regard itself as being in any way

bound

bound or obligated by the terms of the memorandum of October 28th 1867 in its management of the Municipal Affairs of Yokohama" and that you do now regard the said instrument as binding upon your Government.

I have the honor to advise you that I have not the least objection to amending that instrument in such a manner as to confer the judicial authority thereby vested in the Governor and Municipal Director, upon the officers of your Government's judicial Department for Kanagawa Ken. I would however suggest to you with all due deference that said arrangement be amended by striking out entirely the fourth article contained in

the

the memorandum and inserting
in lieu thereof the following
language " Article 4. Such judicial
officers as are now or may hereafter
be appointed by the Japanese Government
for the Ken of Kanagawa shall
have and may exercise judicial
jurisdiction over the people of China
and the subjects and Citizens of
non Treaty Powers resident within
said Ken of Kanagawa.
Should I please Your Excellency
to approve of this course, when
so informed by you, I will call
my Colleagues together, submit
the proposition to such of them
as represent Governments which
are parties to the arrangement
sought to be amended and
endeavor

endeavor to obtain the consent of all.

Remain Sir

Your most Obedient Servant

C C De Long.

Copy of Translation Foreign office

Tokei the 29th 1st Month

of the 6th year Meiji

I have the honor to acknowledge the receipt of Your Excellency's letter dated January 13th 1873 in reply to mine of the 12th of the first month 6th year of Meiji, and in which Your Excellency informs me that you have not the least objection to amending a certain article in the memorandum of October 28th 1867 and that you think it proper to substitute for the fourth article contained in that memorandum what follows: Article 4

" Such judicial officer as may

may hereafter be appointed by the Japanese Government for the Kanagawa Ken shall have and may exercise jurisdiction over the subjects of China and the subjects and citizens of non treaty powers resident within said Ken of Kanagawa. You desire me should I approve of this change to inform you of it when Your Excellency will submit the matter to your Colleagues.

In the treaty made with the Chinese Government there is a special article and I would request Y.E. to consider the matter as you propose but to leave out China altogether

With respect & consideration

Soyeshima Tanemi

Vice Minister for Foreign Affairs

To His Excellency

C. E. De Long.

Env. Ex & Min Plen.

of U S A in Japan.

Copy

No 24 US Legation Yokohama

Japan January 29th 1873

Gentlemen

The Japanese Government in communicating with me the its office for Foreign Affairs, proposes to amend the Convention of 1864 relative to Municipal Matters in Yokohama by repealing entirely the fourth article thereof as it appears in the published copy of the Convention (which I enclose herewith) and inserting in lieu thereof the following language.

Count Fo d'Ostian Article

Senor G. Rodrigues y Munos

Count d'Turenne

M. Eug de Butzow

R. G. Watson Esq.

Article 4

"Such judicial officers as are now or
"may hereafter be appointed by the
"Japanese Government for the Ken
"of Kanagawa shall have and may
"exercise judicial jurisdiction
"over the citizens and subjects
"of non treaty powers resident
"within the said Ken of Kanagawa"

By request of the Minister
for Foreign Affairs of this Empire
I herewith forward the proposal
to you for your advise and
consideration and would be thankful
if you would subscribe your
opinions hereon and return the
note when so subscribed.

I have the honor &c

C. E. De Long

I agree to the alteration suggested above on behalf of the German Legation

Eug Butgow

I see no objection to the proposed substitution in the instrument in question

R. G. Watson

Je approuve la modification dont il est question

Tornielli

Je ne trouve aucune raison pour renoncer aux droits qui nous sont acquis par le article dont on demande le changement. Mais par egard a mes honorables Collegues dont l'opinion maintenue dans cette question et me rendant

pour

me meten estee accord with
any. fe sources d. amendment
proposé.

y. Rodriguez c
y Amros.

Co/7 13

No 13 Ulegation Yokohama

Febuary 7th 1873

Their Excellencies.

The Ministers for Foreign Affairs

Yedo Japan

Your Excellencies

Pursuant to your request I have conferred with my Hon Colleagues the Representatives of the Treaty Powers in Japan advising them that it was desired by your Government to amend the Convention for the Municipal Government of Yokohama dated in October 1867 by repealing entirely Article (4) four of the said Convention as it now exists and substituting in lieu thereof the following to wit. Article 4.

"Such

"Such judicial officers as are
"now or may hereafter be appointed
"by the Japanese Government for
"the Ken of Kanagawa shall have
"and may exercise judicial
"jurisdiction over the subjects
"of non treaty powers resident
"within the said Ken of Kanagawa"

This proposition I am happy to inform you has been consented to by my Hon Colleagues the Representatives of England, France North Germany, and Spain (The Italian Representative not feeling called upon to express any opinion as his government was not party to the Original Convention) and as I hereby agree thereto on behalf of the

the government respectively of the United States of America and Holland the same will be considered as so changed and amended upon the receipt of your reply thereto formally assenting to the same on behalf of the government of Japan.

I have the honor to remain

Your most obedient Servant

C. E. DeLong.

Copy

Yokei 13-4 day 2nd Month
6th year Meiji

Sir

I have the honor to acknowledge your Excellency the receipt of your letter dated the 4th instant stating that the amendment of article (4) of convention for the Municipal Government of Yokohama met with the approval of yourself and your honorable Colleagues,

In reply I beg to submit your Excellency again for the future prove that the said Convention shall be received as amended.

To His Excellency Mr. Elo Long. &c &c. With respect & consideration (sd) Sayeshimo Tomomi Minister for Foreign Affairs

Copy

15

No 47. US Legation Japan

Febuary 16th 1873

Sir

I have the honor to advise you that by agreement between the Foreign Representatives and the Japanese Government the Convention for the government of the Municipality of Yokohama dated October 28th 1869 has been amended as follows to wit. Article 4. which read as follows.

" The Governor of Kanagawa acting with the advice and assistance of said Director, and with such advice as he may obtain from

C. O. Shepard Esq.

US Consul

Kanagawa Japan

from Foreign Consuls will
exercise jurisdiction both
civil and criminal over
the subjects of China and the
subjects and citizens of non
treaty powers residing within
the said settlement or within
the Port of Kanagawa."
has been entirely repealed and
the following Article adopted
in lieu thereof to wit

"Article 4. Such judicial
officers as are now or may
hereafter be appointed by the
Japanese Government for the
Ken of Kanagawa shall have
and may exercise judicial
jurisdiction over the citizens
and subjects of non treaty
powers

powers resident within the
said Ken of Kanagawa.

You will therefore recognise
and hereafter transact
judicial business with the
Court for this Ken recently
established by the Japanese
Government

I have the honor to remain

Sir

Your most obedient Servant.

C. E. Delong.

from Foreign Consuls will
exercise jurisdiction both
civil and criminal over
the subjects of China and the
subjects and citizens of non
treaty powers residing within
the said settlement or within
the Port of Kanagawa."
has been entirely repealed and
the following Article adopted
in lieu thereof to wit
"Article 4. Such judicial
officers as are now or may
hereafter be appointed by the
Japanese Government for the
Ken of Kanagawa shall have
and may exercise judicial
jurisdiction over the citizens
and subjects of non treaty
powers

powers resident within the
said Ken of Kanagawa.

You will therefore recognise
and hereafter transact
judicial business with the
Court for this Ken recently
established by the Japanese
Government

I have the honor to remain

Sir

Your most obedient Servant:

L. E. Delong.

Copy

No 18 Ubligation Japan

February 16th 1863

Their Excellencies

The Ministers for Foreign Affairs

Yedo. Japan.

Your Excellencies

I have the honor to advise you that I have received your Note of yesterdays date notifying the Amendment to the Yokohama Convention: and immediately upon the receipt of the same I issued instructions to the US Consul at this port and also to the Dutch Consul, notifying them of the Amendment and directing them to recognise and transact business with your

your newly established Court of Justice at this Port notified to me by your note of date the 10th of the 8th month 5th year Meiji

Congratulating your Excellencies upon the Conclusion arrived at.

I remain

Your most obedient Servant

C. C. Delong.

Rich-

ark

DEPARTMENT
RECEIVED
MAR
29
1873
OF STATE.

To Pole I. with request to return.
Call attention to suggestion as to contemplated
complimentary Foreign Legation & the Diplomatic
of Japan to the Court of Japan
Washington
Number 29 Dep to 30 Mch
Jeb'y 18 ~ 1873 B. Bodon

No 347

Same

C & D de Long

Minister

Contents.

Japan wishes to negotiate and conclude
a Postal Treaty with the United States
Sam W Bryan Esq. engaged to visit
Washington and the Capitals to
transact the business for this Government
Copy of Convention prepared by Japan
forwarded herewith

No 347 Legation Yokohama

Japan Feby 18 ~ 1873

Sir.

I have the honor to advise you that on the 10th inst- I received from this Government a Note advising me of its desire to negotiate and conclude a Postal Treaty with the United States. (Enclosure No 1) 1/347

Enclosed with the same was also forwarded to me a copy or draft of the Treaty desired. (Enclosure No 2) 2/347

The idea of establishing a Foreign mail system I know was strongly entertained by this government as long back as a year ago. It had established

Hon

Hamilton Fish

Secretary of State

Washington D C

and put in successful operation an interior postal system and that the other must soon follow I considered certain.

When I was in Washington last year the Hon Mr Ambler M C introduced Mr Sam M Bryan (then an attache of our Post Office Department) to me and strongly recommended him as a person of great character and excellent qualifications fitting him to organize a mail service for this Empire.

I introduced Mr Bryan to the Ambassadors who having no time to devote to this business recommended him to visit this country and confer directly with this government. I promised Mr Bryan in the event that he should do so that I would introduce him to the proper officials and render

him

from any assistance that I might
compatible with my instructions

I felt a very great degree of anxiety
relative to this subject as being one that
might and probably would have a
very important bearing upon our
commercial relations with this people
in the future.

When our treaties are revised it is
evident Japan intends to reserve the
Coasting trade this will close the very
important line of travel from Shanghai
to Yokohama via Nagasaki and Kobe
to other vessels than Japanese or those
that may carry its mails. Also other
ports will be opened to trade and the
Coasting trade grow daily in importance
As Japan is not now and may not
then be prepared to engage in this Coasting
trade

trade and mail service except by employing foreign lines of steamers, in such an event it would become a question between the owners of steamship lines of very considerable importance as to who should secure the mail carrying business for this Empire.

To secure for American interests officials in the Postal Department of this Government who at least would not be inimical to American shipping interests I have felt a duty devine to see its foreign agents and employees Americans. With these ideas in view I introduced Mr Bryan to these authorities, told them who had introduced him to me and what had been said regarding him, and then left him to obtain position if he could.

In this effort he has been successful

and

and now visits America in connection with the Japanese Legation at Washington to negotiate and conclude a Postal Treaty: thus lays the basis for pursuing the precedent of leading in treaty making with Japan on the part of the United States.

I at once replied to the Note of the Japanese Government expressing my satisfaction with the movement and the Treaty they proposed to conclude with one or two modifications (Enclosure No 3.)

5/347

'At the time of presenting this Note I met the Post Master General with Mr Bryan and the Minister for Foreign Affairs when they made known to me the character of the contract about to be entered into. I

adored

advised the Minister in reply that in
obedience to a notification once issued
by him it would be necessary for him
to notify me in writing of this
Engagement of Mr Bryan; which
he has accordingly done by a Note
which I received this morning

4/
347 (Enclosure No 4)

I believe your opinion is the same
as my own respecting the non-diplomatic
of Consular Officers acting as Post-
Masters. It is a system replete
with annoyance insecurity and
confusion and I hope to see it by
this step soon done away with as far
as Japan is concerned. I also welcome
and I trust you will every such step
as this on the part of this government
as another advance in civilization

pronouncing

promising my own to place it in
the exercise of complete jurisdiction over
its own affairs.

I am happy to have my government
thus honored and trusted by giving
it the first opportunity from time
to time of assisting this Empire in its
advancement - and I sincerely hope that
animated by a similar desire you will
receive this Minister with all kindness
and give it the full benefit of your
Encouragement and assistance

I have the honor to remain

Sir.

Your most obedient Servant -

C C Wolcott

List of Enclosures

No. 1. Japanese Ministers to

Mr. De Long. Enclosing a draft to conclude a Postal Treaty with the U.S.

No 2. Draft of proposed Treaty

No 3. Mr. De Long in reply

No 4. Japanese Minister to Mr. De Long. Notifying him of Sam'l Bryan's engagement by the Postal Department.

Copy.

Recd Feb. 10th 1873

1

Foreign Office Yokei

the of 2nd month of 6th

Year Meiji

I have the honor to inform your Excellency that His Majestys government desires to open negotiation at the earliest moment practicable with the proper authorities of the United States in relation to convention for the purpose of regulating and establishing on a more equitable basis the postal relations between the Empire of Japan and the United States of America and to submit herewith for your consideration a draft of a Postal Convention which should it meet with your

approval

approval it is proposed to
submit to the proper authorities
of the United States for their
consideration

With respect & consideration

(sgd) Soyeshima Tanenori

H & J. the Minister for Foreign Affairs

To H. E.

C. E. De Long.

Env Ex. & Min Plen

of USA in Japan

Copy

Draft of a Postal Convention to be submitted by the Empire of Japan to the United States of America for acceptance and ratification

Article 1

There shall be an exchange of correspondence between the United States of America and the Empire of Japan as well for letters Newspapers, book packets and patterns or samples of merchandise originating in the United States or in Japan as for articles of the same nature originating in or destined for the countries or colonies the correspondence of which is forwarded through the United States

Article 2

Article 2

Each office shall make its own arrangements for the despatch of mails to the other office by well appointed ships, sailing on stated days, and shall at its own costs remunerate the owners of such ships for the conveyance of the mails.

Article 3

The postage on a single international letter shall be fifteen cents in the United States, and fifteen sen in Japan, and the authorized weight of a single letter shall be half an ounce in either country

For other than single letters the

the same charge shall be made for every additional half ounce or fraction thereof.

The question of the reduction of the letter rate postage shall be considered at the expiration of twelve months from the commencement of this Convention

Article 4

Every international letter insufficiently paid or wholly unpaid received in the United States from Japan shall in addition to the deficient postage be subject to a fine of five cents, such fine to be retained by the United States Post office; and every international letter insufficiently

insufficiently paid or wholly unpaid received in Japan from the United States, shall in addition to the deficient postage be subject to a fine of five sen to be retained by the Japanese Post office

Article 5

International newspapers, book packets (including printed papers of all kinds, maps, plans, prints engravings, drawings, photographs, lithographs, sheets of music and so forth) and patterns and samples of merchandise (including seeds and grain) shall be transmissable by either office under such regulations as the despatching office may from time

time to time lay down and at the following charges namely:—

For every newspaper not exceeding four ounces in weight, four cents in the United States and four sen in Japan

For book-packets and patterns

When not exceeding an ounce in weight, two cents in the United States and two sen in Japan

When exceeding one ounce and not exceeding two ounces in weight, four cents in the United States and four sen in Japan.

When exceeding two ounces

and

and not exceeding four ounces in weight, six cents in the United States and six cen in Japan.

For packets exceeding four ounces in weight an additional rate of six cents or six Sens for every four ounces or fraction of four ounces.

These regulations however shall include the following:-

1st The postage shall be fully prepaid.

2nd No book-packet may contain anything which is sealed or otherwise closed against inspection, nor must there be any letter, nor any communication of the nature of a

a letter whether seperate or otherwise,
unless the whole of such letter
or communication be printed.
But entries merely stating from
whom or to whom the packet
is sent shall not be regarded
as a letter.

3rd No book-packet must
exceed two feet in length or
one foot in width or, depth.

4th Neither office shall be
bound to deliver printed papers,
the importation of which may
be prohibited by the laws or
regulations of the country to
which they are transmitted.

5th So long as any Customs
duty is chargeable in the
United States on the importation
from

from Japan of any of the articles enumerated above, such customs duty shall be leviable in the the United States and the proceeds shall accrue to the United States Treasury; and reciprocally, so long as any customs duty is chargeable in Japan on the importation from the United States of any of the articles, enumerated above, such customs duty shall be leviable in Japan and the proceeds shall accrue to the Japanese Treasury

6th Except as above no charge whatever shall be levied in the country in which international newspapers, book-packets, and

and patterns or samples of
merchandise are delivered

Article 6th.

The postage collected in the
two countries on international
letters newspapers book packets
and patterns or samples of
merchandise, together with
the fees for registration &
(but exclusive of fines for
unpaid or insufficiently paid
letters) shall be equitably
divided between the two offices.
And in making said
division the two offices
shall account to each
other for the following
rates per ounce, or per pound
according to the weight in
bulk

bulk of each class of international correspondence

1st The United States Post-office shall account to the Japanese Post office for twenty five cents an ounce on all paid international letters sent to Japan; for twenty five cents an ounce on all unpaid international letters received from Japan; For fifteen cents per pound on international newspapers sent to Japan; and for sixteen cents per pound on international book packets and patterns sent to Japan

2nd The Japanese Post-office shall account to the United States Post office for twenty five cents an ounce on all paid international

letters

letters sent to the United States; for twenty five cents an ounce on all unpaid international letters received from the United States; for fifteen cents per pound on international newspapers sent to the United States; and for sixteen cents per pound on international book-packets and patterns sent to the United States

Article 7

The Japanese Post-office may deliver to the United States Post-office letters or other postal packets, which have been registered addressed to the United States Reciprocally, the United States Post-office may deliver to the

Japanese

Japanese Post-office registered letters or other postal packets which have been registered addressed to Japan. The postage on registered letters and so forth shall always be paid in advance.

In addition to this postage there shall also be charged a registration fee, the amount of which shall be fixed by the dispatching office.

Article 8

The Japanese Post-Office may further deliver to the United States Post Office registered letters and so forth addressed to those countries or colonies to which registered letters can be sent from the United States

The

The Japanese Post office shall account to the United States Post Office (in addition to the postage due to the United States Post office) for such sum as shall be chargeable to the inhabitants of the United States for the registration from the United States, of every registered letter and so forth addressed to the countries or colonies above named.

For every registered letter and so forth, originating in the countries above named, addressed to Japan and forwarded through the United States, the United States Post shall account to the Japanese Post

Post Office (in addition to the postage due to the Japanese Post office) for such sum as shall be chargeable to the inhabitants of Japan for the registration of domestic letters and so forth

Article 10

The United States engages to act as intermediary for the forwarding in ordinary mails, of all transit correspondence addressed via the United States; whether originating in Japan and addressed to countries beyond the United States; or originating in countries beyond the United States and addressed to Japan. Such transit

correspondence

correspondence shall in all cases be fully prepaid

For all transit-correspondence originating in Japan and addressed to countries beyond the United States, the Japanese Post-Office shall account to the United States Post-Office at the same rate as for international correspondence in addition to such sum as shall be chargeable to the inhabitants of the United States on correspondence similarly addressed

For all transit correspondence originating in countries beyond the United States and addressed to Japan, the United States Post Office shall account to the

the Japanese Post office at
the same rate as for international
correspondence.

Article 10

The United States Post-office
shall prepare at the expiration
of every quarter, seperate accounts
exhibiting the results of the exchange
of correspondence, whether of
international or transit between
the respective offices.

Such accounts shall be founded
upon the acknowledgements of
receipt of the respective offices
during the quarter.

The seperate accounts shall
be incorporated in general
accounts which shall be
compared and settled. by the
two

two offices, and the balance shall forthwith be paid in the money of the country to which the payment is to be made, by that office which is found to be indebted to the other.

In converting Japanese currency into United States currency, or United States currency into Japanese currency, the United States dollar shall be considered as the equivalent of the Japanese yen.

Article 11

Official communications addressed by the United States Post-office to the Japanese Post-office; or by the Japanese Post-office to the United States Post-office shall

shall not give rise to any account between the two post offices

Article 12

The two offices shall by mutual consent, make detailed regulations in accordance with the forgoing articles; such regulations to be terminable on a reasonable notice by either office.

Article 13

The United States Post office agrees that, after the expiration of four months after the ratification of this Convention, the United States postal agency a Yokohama and all other United States postal agencies that are now or that may hereafter

hereafter be established within
of Japan
the limits, shall be promptly
discontinued.

Article 14

This Convention shall go into
effect at the expiration of four
months after its ratification
by the United States Post-office

Article 15

This Convention shall be
terminable at any time, on
a notice by either office,
of one year

Copy

No 16 US Legation Yokohama

Japan Feb 11th 1893

Sir

To Their Excellencies

The Ministers for Foreign Affairs

Yeddo Japan

Your Excellencies

I have the honor

to acknowledge the receipt of your

note of the date of this month

forwarding to me a draft of a

proposed Postal Convention between

the Government of the United States

and that of Japan and asking

my approval of the same.

In reply I beg leave to state

that I have carefully examined

the same and finding it to be

essentialy similar to a Convention

now existing between the United

States

States and Great Britain I therefore consider the draft quite correct for the purposes intended.

No farther or other approval than this of this document can be at present given by me as my Government alone can conclude and ratify the same.

The question of establishing postal relations with foreign countries is, on the part of your Government an assertion of a ~~so~~ jurisdictional right inherent in all states. Japan prior to this has seen proper not to assert this privilege and in now doing so gives another evidence of her rapid advancement to the completion of a Governmental

system

system in accord with those
prevailing in Western Countries and
I feel warranted in assuring your
Excellencies that my Government
will greet your movement with
pleasure and cheerfully accord
by Convention or otherwise any
and all reasonable assistance
that your Excellencies may seek.

As I am interested in affairs
of a postal nature I would
suggest with due respect, that
this Convention might be sent
forward by some properly autho-
-rised agents who would be empow-
-ered upon consultation with
the Postmaster General of the
United States to alter and amend
this Convention in matters of
detail

detail and of minor importance.

I would also respectfully suggest that this Convention may in terms be made revisable at the same time and place as the Treaties may be revised between our respective countries as such Treaty revision may give rise to such new conditions as to call for a revision of this instrument.

I beg in conclusion to assure your Excellencies that by the successful mangement of your present internal postal system I am enabled to assure my Government of my conviction that Foreign Residents will suffer no inconvenience from allowing you also to control the foreign Mails to and from Japan.

And if the next mail from here I will address my Government a note recommending

recommending the adoption of the
Convention proposed by you.

I have the honor to remain
Your Excellencies
most obedient Servant.
C. C. Pinckney

Copy of Translation. Tokio the 14 of the 2nd month
of the 6th year Meiji

Your Excellency

I have the honor to
bring to your Excellency's notice
that our Postal Department have
engaged the servicis of Mr. S. M
Bryan an American citizen and
that it is intended to send him
to your country to enter into
negotiations for the establishment
of Postal relations between your
country and our own.

With respect & consideration

Soyeshima Tanenomi

H. I. J. Mas. Minister for F. A

To H. E.

C. E. Delong

Env. Ex & Minis. Plen.
of USA. in Japan

U.S. Legation Japan
C. E. De Long Minister

No 347.

Dated Feby 18 1873

Four Enclosures

Japan proposes to negotiate a Postal Convention.

Sam W. Bryan to go forward by this mail with authority to transact the business

Recd 3d April

DEPARTMENT OF STATE RECEIVED MAR 29 1873

Mr Bingham

No Legation Yokohama

Japan February 21 1873

No 348

Sir

I have the honor to acknowledge the receipt of your dispatch No 340 of January 6th 1873 in relation to the resignation of Mr Morgan as U.S. Marshal for the port of Nagasaki.

Mr Morgan not having resigned when his successor arrived, there being no necessity for the appointment of acting Consul was not strictly regular. The appointment of Mr Shiver became necessary as Vice Consul.

The irregularity is not of much moment as Mr Morgan's leave will soon expire. It is noted to prevent like irregularities in future.

Contents. Did so 3d April

Chas. L Fisher forwards his resignation as U.S. Marshal for the port of Nagasaki.

His appointment by me as acting U.S. Consul.

No 348 Legation Yokohama

Japan February 21st 1873

Sir.

I have the honor to advise you that on yesterday I received from Mr Chas L Fishes his resignation of the office of United States Marshal at the port of Nagasaki which at his request I herewith forward to you. (Enclosure No 1) 1/4

Also a copy of his Note. (Enclosure No 2) 2/4

At once upon the receipt of the same I called upon the Minister for Foreign Affairs and advising him of my intention to appoint Mr Fisher Acting United States Consul at Nagasaki ~~—~~ asked him if such action would be agreeable to him, in reply to which he assured me that it would be most agreeable.

Hon Hamilton Fish I

Secretary of State

Washington DC.

I thus formally notified him in writing of
my having made such appointment
3/3 48 (Enclosure No 3) to which His Excellency
replied to day recognizing Mr
Fisher in the manner customary with
4/3 48 this government (Enclosure No 4)

To day I addressed Mr Fisher a
Note advising him of his appointment
5/3 48 and recognition (Enclosure No 5)

I beg leave to advise you as a
reason influencing me in appointing
Mr Fisher that he has proven himself
to be such a thorough and excellent
officer that from Europeans, Japanese
and American residents at Nagasaki
I have heard nothing but expressions
of praise in regard to him

Referring to Paragraph 24 of
Personal Instructions and Para-
-graph 49. of Consular Regulations

it

it will be observed that it says "with the consent of the Foreign Government." Since to comply with this I advised with the Minister for Foreign Affairs verbally and obtained his consent - prior to making this appointment -

I trust that I have obeyed your instructions contained in your No 159. as you may wished

I have the honor to remain

Sir

Your Most obedient Servant

C E De Long

List of Enclosures.

No 1. Resignation of Chas L Fish

No 2. C L Fish to C E De Long forwarding his resignation

No 3. C E De Long to Minister for Foreign Affairs

Affairs notifying Genl of Mr Fishers
Appointment
No 4. Minister for Foreign Affairs in
reply recognizing Mr Fisher
No 5 C & D Long to C L Fisher
advising Genl of his appointment
and recognition

No 3. United States Consulate

Nagasaki Feb 13" 1873.

Hon Fisher

Sec Department of State

Subject

Inclosing his resignation

of Marshal Ship at Nagasaki.

No 3. United States Consulate.

Nagasaki Feb 13th 1873.

To

Hon. Charles Hale,

Assistant Secretary State.

Washington.

Sir.

I have the honor to enclose herewith to the Department, my resignation as United States Marshal at Nagasaki Japan, to date from Oct 14th 1872.

I have the honor to be,

Sir.

Your Most Obt. Svt.

Chas L. Fisher

U.S. Marshal

Copy

No 18. United States Consulate

Nagasaki Feb 14th 1873.

To

His Excellency

Hon C E De Long

U S Envoy Ex and Min Plen

Yokohama

Sir.

I have the honor to transmit herewith enclosed my nomination of the U S Marshal ship for the port of Nagasaki and will thank you to forward the same to the State Department

I have the honor to be

Sir

Your Most obedt Servt

Chas L Fisher

U S Consul.

Copy

No 19. US Legation Japan

Feby 20th 1873

Their Excellencies

The Ministers for Foreign Affairs.

Your Excellencies

I have the honor to advise you that Mr. Chas. L. Fisher having resigned the appointment of US Marshall for Nagasaki I have appointed him Acting US Consul for said port and respectfully request your recognition of him as said officer.

I have the honor to remain

Your most obedient Servant

C E Delong

Copy of Translation

Tokio 20th of 2nd month
of 6th year Meiji

Sir

I have the honor to acknowledge the receipt of your Excellency's note of to day informing me that Mr. Chas L. Fisher has been appointed Acting Consul U.S. for the port of Nagasaki

In reply I beg to state your Excellency that I will notify to Nagasaki ken of his appointment.

With respect & consideration

Sagesumi Tomomi

H.I.J. Mus. Minister for Foreign

To H.E. Affairs

C.E. DeLong

Env. Ext & Min Plen.

of U.S. in Japan.

Leaf 7

No 55 US Legation Yokohama

Japan Feb. 20th 1873

Sir

I have the honor to acknowledge the receipt of your No 18 of the 14th inst- forwarding through me to the State Department your resignation of the office of US Marshal for Nagasaki Japan

I have also the honor to inform you that by last-mail I received advices from the State Department that Mr. Mangum had been granted leave of absence for Six months from the 15th of October and directing me to appoint some person to perform temporarily the duties of the Consul-ate

As by your resignation of the

the Marshalship you are rendered
eligible to fill the appointment with
the consent of the Japanese Government
first obtained. I hereby appoint
you Acting United States Consul
for the Port of Nagasaki Japan
to perform the duties of such office
for such length of time as may
be agreeable to our government

Your Exequatur has been
promised by this government and
will be forwarded to you as
soon as received

I have the honor to remain

Sir Your most obedient Servant

To
Chas. L. Fisher Esq. C. E. DeLong

US Consul Nagasaki

P.S. Since writing the above I
have received and herewith forward you
your Exequatur issued by this government.

Your obt servant
C E DeLong

Acknowledge - Informs of his
receipt of the Emperor's
Rec'd April 3d
No 349 Autograph letter and
Mr Bingham

DEPARTMENT
RECEIVED
MAR
29
1873
OF STATE.

United States Legation Japan.
Yokohama February 25th 1873.

Sir

I have

the honor

to

transmit

herewith

a copy

of a

Circular

issued

by the

Japanese

Government

on the

subject

of

Christianity

Contents.

Japan adopts Court Rules and Regulations similar to those in force in the United States. Has withdrawn the notification prohibiting Christianity, and promises a speedy release of the banished Christians. Proposes opening of the country to foreign travel and settlement, on certain conditions.

No 349

United States Legation in Japan
Yokohama February 26. 1873.

Sir:

A few days since, His Excellency the Minister for Foreign affairs, favored me a draft of a code of Court Rules and Regulations for the government of the newly established Courts of this Empire, which I have communicated to my Colleagues for their inspection. They are in all respects so far as they go, similar to the rules prevailing in the Courts of California. They provide for written pleadings, cases should be tried in

Their

Hon. Hamilton Fish
Secretary of State
Washington D.C.

their order of Registry, and that all trials shall be public. that witnesses shall be publicly examined and cross-examined. that they shall be sworn before testifying, that new trials may be had for certain reasons, and appeals taken, that parties may appear by Attorney, and that all judgements of the Court shall be in writing, and written opinions accompany the same.

To properly appreciate this great reform, it is necessary to understand that the only judicial system, in force in this country heretofore, has been one of an inquisitorial nature. Parties whether Foreigners or Japanese, after lodging complaints with the proper authorities, and handing in their list of witnesses, were left in

in entire ignorance sometimes for months and even for years, of the proceedings that were being taken; and when at last, results were arrived at, no explanations were given, and the delay of the proceedings had often operated to defeat justice. - Witnesses were frequently starved and tortured, and in some instances imprisoned until they died.

Religious Question:

For some time past the Minister, Soyeshima Tanenomi to whom we may judgement, the Western world is largely indebted for the rapid advances in civilization which this Empire is making, has been intimating to the Foreign Representatives, that such action would soon be taken by his Government

as

as would satisfy foreign States, relative to this vexed question. A few days since he informed me that an edict had been issued directing that the Proclamations prohibiting the profession of Christianity by Japanese Subjects, which have been constantly kept posted, in all the cities and provinces of this Empire, should be forthwith removed.

In reply to a question addressed to him by my French Colleague, as to why the Government did not proclaim the toleration of the Christian Religion, he replied that such action would be misunderstood by the masses, who would infer, that the Government desired them to embrace the Christian Faith. He also further asserted

that

that within a short time, say about one month, all of the natives who had been sent into banishment, — would be released and allowed to return to their homes. — At a meeting of the Diplomatic Corps on yesterday, my Colleague from Italy who is Doyen of the Body, advised us that he had urged upon the Minister as a personal favor to himself prior to his departure from Japan on the 25th inst. to furnish him with written information with regard to this subject, that he might lay the same before the Corps. That he had on that morning received from the Minister in Japanese text copies of the edict which he was notably assured were correct, but having yet received the translation, I

I will here repeat from the translation furnished my colleague from Italy, and which he was kind enough to allow me a copy.

"Taking that the measures taken in respect to the Professors of the Christian Faith, have been unjustifiable in all its fulness, We already during the summer of last year instructed the authorities of the Fu and Hsien, to refrain from arresting them.

In addition to this We are now erasing from the public tables of the law, the prohibition against Christianity, inscribed on them.

(Signed) Kuang Hsü

(note) Please communicate the above to your Colleagues.

(no date) = Unquestionably, the signature

of

of the Minister for Foreign affairs
"Tanlongo" was attached to the
foregoing copy, to guarantee its
correctness.

I was promised by His Excellency, a
despatch on this subject, which I
have not as yet received. By the
next mail, I hope to be able to
send you full particulars.

Opening the Country to Foreigners.

His Excellency has also been
discussing this subject, at various
times, with the Foreign Representatives,
but no conclusion has been as yet
arrived at. On day before yesterday,
I stated to him that I had understood
that my Colleague from Italy had
addressed him a note on this subject,
proposing an effect to allow

Italian

Italian subjects if permitted freely to enter the country and reside therein, to become subject to Japanese jurisdiction when beyond the limits of the Treaty Ports.

The Minister replied that he had received a note on this subject, from the Italian Minister, but that as yet, he had not returned an answer,

At the Diplomatic meeting on yesterday, this subject was mentioned, and the Italian Minister stated that he had been acting under advices from his Government, in endeavoring to obtain permission for Italians to travel freely throughout the Empire, and to that end, had proposed to subject themselves to Japanese jurisdiction

on —

Anticipating the receipt of the promised note on this subject, before having to close this despatch, I did not press the Minister for Foreign Affairs for particular advices in regard to the subject, but my French Colleague stated at the meeting, that he had done so and learned from the Minister, that the proposal which the Government would make, would be substantially as follows.-

That foreigners should be allowed freely to visit any portion of the country, provided that when beyond the limits of the present Treaty Ports, they should be subject to Japanese jurisdiction.- the Government stipulating that in no event should any foreigner be subjected to any punishment by it, exceeding imprisonment

for

for the period of one year, or a fine of three hundred dollars.

That if a foreigner should commit an offence which in the opinion of the Japanese, should deserve a punishment greater than this, he should be arrested by the Japanese Authorities, conveyed to the nearest Treaty Port, and delivered to the Authorities of his own Government, for trial and punishment. I regret my inability to give you any further information on this subject at present.

The Minister indignantly repudiates the idea that foreigners in the interior would be unsafe, owing to the uncivilized condition of the inhabitants, but places his objection to opening the country generally to foreign visitation

and

and settlement upon the very tenable ground, that his Government cannot afford to grant this privilege as long as foreigners under the extra-territorial doctrine will carry the laws of their own countries with them, wherever they ~~may~~ go. The rapid progress this Government is making towards civilization will tend, in my opinion, to render the instructions under which their Embassy is travelling in Europe, quite obsolete. The credit is due this Government, that I should state, that in my opinion, these desirable changes, are brought about by its own authorities, becoming convinced from their association with foreign States, of the wisdom of these proceedings, and are not in anywise attributable to any pressure from foreign

foreign powers.—

It is true that all the Foreign Representatives have united earnestly to induce such results, without allowing any opportunity to pass, when severally or by cooperative effort, they could be hastened, yet notwithstanding this, in my opinion, the credit is largely due to the very able and liberal minded Minister for Foreign Affairs, the Soyeshima Tanemi; who enjoys the unbounded respect and confidence of us all.

In conclusion, I beg to express the hope that you will be as sincerely gratified at the receipt of this communication, as I am, at being able to communicate it.

I have

I have the honr to remain

Sir;

Your most obedient Servant

C E D Long

U S Legation Japan
C E De Long Minister

No 349.

Dated Feby 23 - 1873

Govt Rules & Regulations
adopted by Japan.
Decree against Christianity
revoked.
A proposal to open the
Interior country to foreign
visitation and settlement

Dr. Bingham

Adv. Secretary

No 350. United States Legation in Japan

Yokohama 3d April

Yokohama February 23. 1873.

RECEIVED
DEPARTMENT OF STATE
MAR
29
1873

Hon. C. E. De Long

U.S. Minister

Contents

General C.O. de Gendre communicated by the Emperor, - is received at an Audience by his Majesty.

Report of proceedings re re

No 350

United States Legation in Japan
Yokohama February 23. 1873.

Sir,

I have been informed by General C. W. LeGendre that on the 30th of December last, having received a Royal Commission from His Majesty the Tenno, he was formally presented to His Majesty, who addressed him as follows. "We are very happy to see you, and to know that you have accepted the invitation and entered into the service of Our Government. It is Our earnest

Hon. Hamilton Fish
Secretary of State
Washington D.C.

"cannot hope that by your
distinguished abilities, and
through your faithful performance
of such duties as may be entrusted
to you, the may accomplish ~~the~~
Our desired design." to which,
the General appropriately replied.
The General was also kind
enough to exhibit to me his
Commission, which bears the
Imperial Seal, and also the
Great Seal of the Great Council,
and the translation of which,
reads as follows.
"G.O. Le Gendre is hereby appointed
an officer of the second rank
to the Department for Foreign Affairs
By the Emperor
The Minister of State Judge Sanjo
attest. Sane-e-o-chee. Private Secretary
Oatee

"Date B Sawo to

28th day 11th mnth. 5th year Meiji.

Imperial Seal

Great Seal of Great Council"

I beg leave further to inform you, that the time for the departure of the Embassy for China seems not as yet to have been definitely fixed, although Mr Soyeshima assured me recently, that he should probably leave on the 27th of this month.

I have the honor to remain

Sir,

Your most obedient Servant

O E DeLong

Mr O'Connor to examine the whole subject & report to the Sec'y

No 351

DEPARTMENT OF STATE
RECEIVED
APR 11 1873
DIPLOMATIC

United States Legation in Japan

Yokohama March 2. 1873.

From Mr. O'Connor

C. C. DeLong

U.S. Minister

Contents.

(Reply to No 168 relative to claims preferred by the Japanese Government under contracts made by E. E. Rice at Hakodadi.

No 351

United States Legation in Japan
Yokohama March 2. 1873.

Sir,

Acknowledging the receipt of your No 168. of the 20th of January last, I beg to say that I know of nothing relating to claims presented by this Government against our own, under contracts entered into by Mr. E. E. Rice on any account whatever, other than what I have hitherto reported to you, in my various despatches upon this subject, to-wit:

No

Hon Hamilton Fish
Secretary of State
Washington D.C.

2

No 263 of December 22nd 1871,
No 264 of same date,
No 291 of October 16. 1872,
No 313 of 28th of November last,
and No 280 of the 17th of September
last.

I have on several occasions enquired at the Foreign Office here about this matter, and been assured, that they knew of no claims against Mr Rice or against the Government, arising from any transactions with him except those which have been reported by me to you.

When I was at Hakodadi in the Fall of 1871, engaged in the examination into the charges which was preferred against Mr Rice by Mr Dunn, I exhausted

every

every avenue of intelligence that was open to me, to learn the whole truth respecting every thing that had been asserted to the discredit of Mr Rice.

During that trial, I had examined as witnesses nearly every foreign resident at the Port, including Mr Rice, Mr Lim, Nathan, I had his books and the records of his office brought into Court and subjected to critical examination by those who were prosecuting the case.

The Governor of the Port, and many other Japanese witnesses were also called and examined, and I went so far as to invoke the assistance of Father Nicolas of the Greek Church

who

who was a skillful Japanese linguist, and an old resident of the place, to obtain for me from Japanese Priests and unofficial persons there, such statements as they had to make privately and unawed by their Authorities, all of which I reported from myself in my No 263; since which time I have learned nothing tending to impair my confidence in the truth of the testimony which I then obtained.

Mr Rice made no denial of having given the written evidence of indebtedness which the Government presented against him, but insisted upon the validity of an offset which he claimed arising

arising from alleged interference
on the part of the Japanese
Government with him in his
attempts to trade at that port
during the time that he was
Consular Agent there.
The offset proposed by Mr Rice
was of such a nature that I
did not feel like taking any
action relative to it without
first obtaining your advice: and
as he at that time resigned and
intended to proceed to Washington,
I thought the opportunity a highly
favorable one for you to have the
matter so fully examined into
that you would be at no loss in
giving me instructions, as I could
be on hand at the same

time

time with the mass of testimony which I had taken at Hakodadi. I trust you will remember, a verbal report which I made to you when in Washington embodying these views.

Mr Reed I believe is now in Washington, and as the evidence reported with my No 265, contains all the information, it is possible for me to procure for you, I beg to recommend that you summon Mr Reed to appear before you, examine into the nature of his claim against the Japanese Government. and after satisfying your own mind, I beg you to forward specific instructions.

Lands at Hakodadi;

You will find with my deposition
to 265. a diagram of the three
lots of land at Honolulu. which is
filed as Exhibit 65. in that Record.
These three lots of land are respectively
designated by the letters A, B, & C:
When I visited Honolulu in 1871, I
found Mr D & Rice in possession of
these three tracts of land.
On lot "A," there was a large and
complete dwelling, and a small flagstaff.
This piece of ground was known and
spoken of throughout the trial, as
"the Consulate". The red lines showing
an addition to this lot "A," marked the
lines of a tract which the Government claimed
Mr Rice had added to Lot 'A' without
any permission from any owner to do so.
The unmarked block of land
between

between "A" and "B", was occupied as the Russian Consular Lot.

Lot "B" spoken of during the trial, as "the Vice Consulate" had a fair two story building upon it, which was then occupied by Mr Rice with his family, as a residence; — his office being in the house on Lot "A"

Lot "C", had upon it, the Consular flagstaff, — a large and beautiful mast; also, a little old building spoken of in the testimony as "watch house". On the rear portion of this Lot, there was a beautiful young orchard of about fifty trees of various kinds, obtained by Mr Rice from California, planted by him, and were then bearing beautiful fruit. This was known as "the Consular Lot", — having

having been elected as such by
Mr Rice. This Lot had been
improved, by the building of a
large stone wall on two sides, and
filling in. - Other improvements
had been made by Mr Rice.
The Grantor, as you will observe
from his testimony, claimed that all
of the land covered by lots A. and
B. and extending to the red line
between the
letters "B" and "C" on the diagram
was part of the Temple grounds
belonging to the Priests, and as such,
was required to be delivered back to
him, that he might turn the same
over to the Priests. - At the same
time expressing his willingness to
allow a temporary occupation of
the

the house on Lot "B", and to allow
the Government to have permanently
Lot "C." provided I would grind a corner
of the house on the rear, which I
did as shown by the dotted red line

My conclusions from the testimony,
were, as I informed both Mr Rice
and the Grocer, that the United States
Government had no right to the Lot
"A" or the building upon it. That the
question as to whether Mr Rice should
vacate the house, was a judicial one,
which I could not attempt at that
time to determine. I advised Mr Rice
to pay up all the rent at once, which
was due upon it, which he did, to
the satisfaction of the Authorities.

As it was quite impossible for me
to obtain any office elsewhere in
Honolulu, suitable for

Mr

our Consulate, I concluded, that if I could obtain the consent of the Govnr, I would rent the house on Lot "B" for one year. for the use of the Vice Consul Geo E Read whom I expected would soon arrive to take possession of the office.

The ownership of this house, was involved in some doubt arising from the following facts. —

Originally, the Japanese had come into a an old building there, which they rented to Mr Reed, as a prison.

Mr Reed interpreting that, had built a two story house, and the Japanese and he, both claimed the building

Lot "C." being a very desirable site for a Consulate. and having been

been selected as such, I did not feel authorized to relinquish it, and my associates finally came, that it would be for the best interests of my Government, to accept that as a Consular Lot accounting to Mr. Rice, for the fair valuation of the improvements which he had put upon it, in the shape of the wall, the orchard and the grading, or filling in. Then if it could be obtained for a reasonable sum, & the satisfaction of both parties, buy the house on Lot "B" and remove it on to "C". — thus relinquishing all the land the Japanese wanted, securing a fine Lot and a house that would answer all purposes.

Yours

Some back rents were due to the Japanese Government on Lot "C." which, if this plan was carried out, would have to be assumed and settled. After arriving at these conclusions, I went in the premises with both Mr Rice and the Governor. Mr Rice expressed himself as entirely willing to part with his improvements on Lot "C," at such a valuation, as any two disinterested persons who might be selected, should determine and award. - The Governor expressed his entire willingness that our Government should have the Lot, upon paying all back rents. Also they were both willing, that we should have the house on Lot "B." upon the payment of the appraised valuation of each party's interest in

in that building.

I then told the Governor, that I had no authority to either rent or relinquish any property there, but proposed to him, that if he would allow the New Consul to occupy Lot "B" for one year, at the rental of fifty dollars per annum, if my Government did not pay him that sum, I would. It was upon the strength of this agreement, that Genji & Co. first entered into occupancy. and made the contract reported to you. I still hold myself responsible for that money. if my action in that regard, is disapproved by you. I further advised the Governor that if he would still hold Lot "C" as it then was," I would indemnify

as

as speedily as possible, to obtain the necessary authority to settle the back rents due upon it, or surrender it back to his Government

I trust that you will remember that in conversation with you in the Department, I explained, at great length, all of the particulars that I have just enumerated, and at that time submitted to you a Memorandum of the amounts I thought should be appropriated, for these purposes.

You forwarded me a copy of that Memorandum, with your No 140, of the 18th of October last.

I now beg to call your attention for a moment, to the last three items contained in that Memorandum,

The

The item of Six hundred dollars, was a rough estimate of my own, as to what it would cost to buy and remove the house from Lot B on to Lot "C." The next item of Fifty dollars, was for the rent of Lot B for one year in accordance with my agreement with the Greens. The Sixteen hundred dollars, was another rough estimate of my own, as to the ammount of money that would be necessary to pay for the orchard, the stone wall, and the grading on Lot "C." and also the backrent on that Lot which was due to the Depaument.

I beg you to remember your remark made to me at the time I was giving figures which

which was. that whilst I should
put in a sum large enough,
yet, as the Government would be
in no way bound by the amount
of appropriation that would be
made, you trusted that in the
disbursement of this money, I
would guard the interests of
the Government with jealous
care. and see that no larger part
of this money was expended, than
was actually necessary and proper.

I have conferred freely with
our Consul, Mr Hawes, upon this
subject. who seems to agree cordially
with me, in the conclusions which
I have express, and I beg to assure
you that my views remain the same
as ~~with~~ those that I expressed to you at
Washington,

Rathmyton. - and I am by leave to
recapitulate the same. - Imt. -
Accept Lot "C." as a Annular Lch.
Pay the Japanese Government the
rents that have become due upon
it, since the time it was first elected
by Mr Rice, and received by the
Japanese Government,
Have the value of the three roads, the
Orchard and the grading done on
Lot "C." by Mr Rice, appraised, and
account to that gentleman for the
value awarded. - next.
Pay the Japanese Government the
rents due on Lot B at the rate
of Fifty dollars per annum, since
October 18[illegible]: Have the houses on
that Lot appraised, and also
the appraised value attached of

That

that building as it was when it belongs to the Japanese and was rented to Mr Rice as a prison.

Out of the aggregate among its present appraisement, pay the Japanese what the mynat building was worth, and account to Mr Rice for the residue of the money.

There remains that Lowe, from B. on to "C", and relinquish all claim on the part of the United States Government to any interest in or right to the possession of Lots "A" & "B", and any improvements remaining on either of them.

By the adoption of this course, justice will be done, and satisfaction given to the Japanese Authorities and to Mr Rice. The Government will have

have a fine and suitable Consular
Lot, with a building upon it
that will be suitable for Consular
Office and Court Room, and if
it should be against the policy
of the Government to furnish
this land and office to the Consul
at that Port. I think the property
could be at once sold for a sum
sufficient to fully reimburse the
Government.

Trusting that I have replied to
your to 158 as fully and
specifically as you may have
wished me to do. — and also,
trusting that my recommendations
may meet with your approval,

I have the honor to remain, Sir,

Your most obedient Servant

C. E. Dorsey

Delegation Japan
C. E. Dr Long Minister

No 351

Dated March 2nd 1873

Reply to No 168
relative to claims presented
by the Japanese Government
under contracts made
with E E Rice Esq

file Mr Berdan

No 352

DEPARTMENT OF STATE
RECEIVED
APR
11
1873
DIVISION

United States Legation in Japan

Yokohama March 2. 1873.

From

C. E. Darling

U.S. Minister

Contents.

Acknowledging receipt of despatches and despatch bags

No 352

United States Legation in Japan

Yokohama March 2. 1873

Sir,

I have the honor to acknowledge the receipt by the last mail of your despatches numbered 160, 161. 162 163 164 165 166 167 168 169 170 and to 171, and also six despatch bags. = three large, and three small, with three keys and six locks.

I have the honor to be

Sir

Your most obedient Servant

C. E. DeLong

Hon

Hamilton Fish

Secretary of State

Washington D C

Delegation Japan

Hon. H. W. Longfellow Minister

No 352

Dated March 2 1873

Acknowledging the
receipt of Dispatches
and of Dispatch Bago

No 353 file Mr. Bodisco

DEPARTMENT
RECEIVED
APR
11
1873
OF STATE.

United States Legation in Japan

Yokohama March 2nd 1872

From

C. E. De Long

U.S. Minister

Contents;

Count Fe d'Ostiani leaves

Japan for Italy, thereby leaving

one Vacancy of the Diplomatic Corps

No 353

United States Legation in Japan
Yokohama March 2nd 1872

Sir;

I have the honor to advise you that by the British Mail which left here on the 25th ult. last month, Count De Ostiani late Minister at this Court, from Italy, returned home.

By his departure, I became by privity of Commission dozen of the Diplmatic Corps, at this Court, which honor,

I owe,

Hon'ble Hamilton Fish
Secretary of State
Washington
D.C.

Edward Long, Minister

No. 353.

Dated March 2nd 1873

My Italian Colleague having informed me
I am left doyen of
the Diplomatic Corps

Edward Long

Have the honor to
inform you that
I shall be absent
from this city
for about a month,
during which time
my Colleague from
Italy will be
expected to return
to Washington.
I avail myself
of this occasion
to renew to you
the assurance
of my high
consideration.

Ada Apl 12 Asks Mr Bertain

DEPARTMENT OF STATE
RECEIVED
APR
11
1873

Legation Yokohama

Japan March 5th 1873.

No 334

From

C E De Long

Minister

Contents.

Reply to instruction No 160. announcing presenting a Bible to the Mikado.

Also notifying that this Foreign Office in no manner possesses itself of a perfect knowledge of our correspondence

No 354 Mr Yokota Japan

March 5th 1873

Sir.

I regret exceedingly that my action in having assisted Dr J C Hepburn to present His Majesty the Mikado with a copy of the Holy Bible and also with a copy of a Dictionary should have met with your severe disapproval.

You advise me in your No 160. of this action upon my part having been in violation of some rule of practice governing your department-

I beg to assure you that I had no knowledge heretofore of any such rule and since the receipt of your

Hon instruction

Hamilton Fish

Secretary of State

Washington DC

instruction No 166. I have made a careful examination of all instructions on file in this Legation both printed & written and I have failed to find any reference to any such rule

I felt that by this action I had proven that my influence at this Court was great to enable me to accomplish what had been considered as being impossible; and also that an era of liberal thought and action had dawned upon this nation commencing with the Emperor himself. Consequently I had anticipated praise rather than censure

From common report I had learned that the Society presenting this Bible had presented similar copies to all or nearly all of the crowned heads in this world in some instances upwards

the

the aid of our diplomatic representatives
in China &c. and particularly I am
informed in this case of China and
that your department approved of
such action at that time.

Of all this I was positively assured
by persons whose veracity I did not
doubt and whose opportunities for
knowing the matters they stated I
regarded as being very good.

It is highly important and
most gratifying news that I have
now been able to communicate
to you to wit: the repeal by this
government of its decrees against
christianity and its promise to
restore to their liberty and their
homes the unfortunate natives
who were three years ago sent
by this government into exile and
slavery

slavery as a punishment to them for becoming converts to Christianity may not be multo tractable in any way to my actions in having presented this Bible to the Sovereign yet I feel a conviction that as certainly as that Christianity shall in time to come prevail in this land over the pagan doctrines just so surely will we as a people feel a sense of pride in being able by this and other acts to prove that in the darkest hours before any information was heralded we as a nation were active in endeavoring to convince this people of the error of their ways.

I advance this reflection in the hope that you may find in it consolation for the accidental infraction

infraction of the rule you refer to.

I beg to assure you however that by advancing these ideas I do not wish to mitigate my offence in your view.

Relative to that I offer as my sole excuse that I had no knowledge at the time of the rule you refer to, and beg to assure you that if I then had known of it I would have strictly obeyed it as I have at all times sought to yield perfect and unquestioning obedience to your instructions upon all other subjects.

In this connection I beg leave to inform you that almost immediately after the receipt of your instruction No 160, I had occasion to go to Yedo when I learned from Japanese official sources of the information having reached that office that my conduct in procuring

a

a copy of the Bible & the Mikado had been secretly disappeared by you and that I would be called upon to resign.

As also immediately after my receipt of your instruction No 151. of the 5th of December I learned from the same source that it was known at this Foreign Office that my conduct in connection with the Maria Luz affair had been disapproved.

These things convince me that through some agency this government possesses itself of a perfect and immediate knowledge of all correspondence between your Department and this Legation.

I have the honor to remain

Sir

Your Most Obedient Servant

E E Derby

DEPARTMENT OF STATE
RECEIVED
APR
11
1873

Adm
Cyp Tr

Mr. Bacon

Legation Japan

March 15th 1873

No 355

asked

Sir

I have

the

Honor

to

Transmit

herewith

—Contents—

Reply to instruction No 170 of the 21st of Jany. last. about procuring claims. and also. about mistakes occurring in the copying of my Secretary of Legation.

No 355 Legation of Yokohama

Japan March 5th 1873

Sir

Acknowledging the receipt of your instruction No 170 of the 20th of January last I beg leave to say that I shall strictly follow your instructions relative to presenting claims against this government; but beg leave to ask for if the recent action of this government in having established a supreme judicial department notifying to the foreign representatives a code of Court Rules and Regulations and requesting us to allow claims to be presented in the first instance by our Consuls to its local tribunals and subsequently presented by appeal

Hon Hamilton Fish to

Secretary of State

Washington D C

to the superior tribunal for final
adjudication does not call for a
change or modification in the
instructions referred to in your No
165 of the 4th of last January.

Relative to errors in orthography
complained of by you as occurring
in the enclosures accompanying my
No 314, I have instituted a careful
inquiry.

My Secretary says that in obedience
to my instructions he made literal copies
of those documents and that the errors
you refer to he believes exist in the
original text of the documents he
copied. I have examined those
documents since coming as they did
from Germans and Spaniards having
a very imperfect knowledge of the
English language I find them to be
replete

with gramatical and orthographical
Errors in composition.

Not Knowing just what the Errors
are that you refer to, nor not even
which of the documents is alluded
to I am unable any more nearly
than this to determine when to place
the blame. If you would favor
me with a copy of the document in
question I could at once by
comparing it with the orginal be
able to know upon whom to cast the
Onus.

The instructions that I gave my
Secretary were general and to the
effect that when called upon to
prepare copies of documents and
instruments he should in no case
attempt to amend faults in
composition but always return

a

a true and exact Copy.

Possibly I am in Error in having
thus instructed Him; if so I would
be thankful to have you to advise
me.

I have the Honor to remain
Sir
Your Most Obedient Servant
C E Dr Long

Examine Mr Shipley's report & correspondence

Extract

DEPARTMENT OF STATE
RECEIVED
APR 11 1873

Mr Borden

Legation Japan

March 6th 1873.

Copies & Extracts

No 357 Ackd

From

C & D Long

Minister

Contents.

Discrepancy in Mr Shipley's No 55 as quoted by you in your Instruction No 151, and as the same appears of record in this Legation.

Also forwarding copy of a Note of Mr Shipley's in the matter of the Maria Luz, imported by him

No 358 Legation Yokohama

Japan March 6th 1873

Sir

Referring to your No 151 of the 3rd of December last - I beg leave to advise you that - the language you vote as appearing in Mr Shepards No 55. of date the 28th of July last - does not at all correspond with that vote as entered of record by him in this Legation

Please see copy of his despatch forwarded herewith (Enclosure No 1) 1/357

The important difference is that in your quotation he is reported as stating that the Captain of the Maria Luz by his own confession was engaged in the "Coolie Trade" This is not stated in the recorded copy and conflicts entirely

Hon Hamilton Fish with

Secretary of State

Washington DC

with what he stated to me on my arrival
here. It was upon this question I
differed slightly with him. I asked him
how he knew this ship was engaged in this
business; if the Captain had so informed
him; he said no but others had. I then
remarked to him that it would have
been well for him before opening the
Captain any assistance to have satisfied
his mind relative to this question by
having gone on board or having sent
on board of the vessel

As nothing has been left unsaid to
misrepresent my actions and position
relative to this matter I refer you to this
discrepancy in his correspondence and
respectfully request that it be investigated

I beg leave also in this connection
to forward to you a copy of a note
addressed by him to the Minister for
Foreign

Foreign Affairs touching this same
subject which I believe has also
failed to report to you. At least no
record of any dispatch upon the
subject appears upon the Books
of this Legation.

(Enclosure No 2.) 2/357

I sincerely regret that in this Manila
business I did not act in strict
accordance with what you would have
wished.

I felt convinced at the time that Japan
was being induced into hasty action
which would involve her in trouble
that when the hour of her trouble came she
would turn to her advisers and if they
should not be able to prove the strict
legality of her course she would have
to submit to disagreeable consequences
and in turn would visit her advisers

with

with her indignation resulting in a loss of good standing and influence on the part of such representative. I will know that the Peruvian Government would inquire strictly into this action and if it should appear that in my eagerness to have enforced principles and laws of the United States on any subject I had advised this government that it had a legal right to enforce not her own but the laws of other countries I would peril my standing here and possibly disturb the relations of our government with both Japan and Peru. My sympathy with the Coolies however led me to maintain a passive attitude comparatively until they were beyond reach of further captivity and then I only took such action as a mere clerk might have done which was

to

to obtain an authenticated transcript of the record of the action and transmit the same to Peru. How I could have well done less I still cannot see. I did not fail to urge in every note I wrote, the abhorrence of my government and of myself for this battery and to do all in my power to induce this government to legislate against this business in order to have a strict right to prohibit it in the future; in short I went as far as I could safely go in my judgement as a lawyer in my advice to this government, regardless of my obligations to Peru. and I am quite satisfied that to day those authorities feel better disposed toward me for my candor than they would have felt if I had endeavored to influence them into acting in accordance with my own feelings and those of my government regardless

regardless of consequences to themselves.

Accident has placed me nominally upon the unpopular side of this question and I feel that I must wait for events to prove whether I or my British Colleague most rapidly and worthily acted the part of a representative of a friendly Power governing its action to some extent by the advice it obtained from Foreign Representatives

I have the honor to remain

Sir

Your most obedient Servant

C C De Long

No1 List of Enclosures

1 C Shepard to Dept of State

No 2

1 C Shepard to Japanese Minister for Foreign Affairs

P.S.

Since writing the foregoing dispatch it has occurred to me that the Legislature in your instruction may have been from the Enclosure with Mr Shepard's No 55. I therefore copy and enclose the only letter from Mr Shepard to Captain Clemens which is on record in this Legation. This by comparison you will see does not in the least accord with the Legislature

(Enclosure No 3.) 3/557

I remain Sir

Your Obdt Servt

Robt Lowry

(Copy)

No 55 U.S. Legation

Japan July 20th 1873 (2)

Hon Hamilton Fish

Secretary of State

Washington D.C

Sir:

On the 10th inst Captain Gomez of the Peruvian Barque Maria Luz was driven into this Port under stress of weather and applied to me as the authorized representative of Peru for protection and assistance.

Upon enquiry I ascertained she had on board "Coolies" in transit from Macao to Callao. This being the case I felt it my duty to obtain the enclosed reply which as will be seen declines all action or assistance whatever. I have the honor to remain

Sir

Your obedt Servt

Charles O Shepard

Chargé d'Affairs.

92 Legation

Japan August 5th 1872

Sir.

Reports come to me of the brutal treatment given the men on board of the Peruvian Coolie Ship "Maria Luz" now at anchor in this Harbor and I earnestly second Mr Watsons request that some steps be taken to look into the matter. The officers if found guilty should be severely punished

When Peru has no representative and no treaty the American officials are instructed to extend friendly offices but engaged as she is in the inhuman illegal "Coolie Trade," I declined in any way to lend my aid or sanction

I have the honor to remain

Sir Your Most Obedient Servt

Charles De Chambrun

Charge d'Affaires

H E

H. C.

Sogosheca Saneomi

H. I. J. M.'s Minister

for Foreign Affairs

Tokio Aug: 1873

No. 354.

Acted Baron de Tuyll

Sir

On various

occasions Mr Stephens's No 558 as

Junior Secretary of Legation

has applied to me for

his salary;

Stating unavoidable

Expenses in Japan

have left him

Penniless

Baron de Tuyll

&c &c &c

Copy

No 60 Ulegation

Japan July 10th 1872

Captain Ricardo Herrero

Sir

Referring to

your communication dated July 10th inst.

I have to say that as you have on

board nothing but "Coolies" and

as the statues of my country prohibit

the coolie trade I most respectfully

decline to extend to you either aid

or protection

I am Sir

Your Obdt. Servant

Charles O. Shepard

Charge d Affairs

A. B. Dr Long Minister

No 357

Dated March 6th 1867.

Three Enclosures.

Calling attention to discrepancies in Mr Stephens's No 55 to you as quoted by you and as it appears on record in this Legation

Will Mr Ward transmit as above
abst & correspondence Mr Bedaw

RECEIVED
APR
11
1873
DEPARTMENT OF STATE.

Delegation Japan &
March 7th 1873 Mr Ward
Ackd

No 356

Mr Firm

C & de Long

Minister

Contents.

Reporting Mr Fishers appointment of
Mr Portis as Acting Marshal for
Nagasaki to you for instruction.

Mr Fisher accepts my
appointment of him as Acting
Consul for that Port.

No 356 Legation Japan

March 7th 1873

Sir

I have the honor to advise you of the receipt by me this morning of a note from Mr C L Fish advising me that he had appointed Mr R H Powers acting U S Marshal for the Port of Nagasaki and asking my approval of this same (Enclosure No 1) 1/356

To this I at once replied advising him that I had no authority in the premises and would refer the matter to you. (Enclosure No 2) 2/3 3-6

I also received a note this morning from Mr Fish advising me of his acceptance of my appointment of Hon Hamilton Fish

Secretary of State

Washington D C

of Japan as Acting Consul for that
3/336 Port. (Enclosure No 3)

I have the honor to remain

Sir

Your Most obedient Servant

C E De Long

List of Enclosures

No 1 C L Fisher to C E De Long. Communicating
appt. of Mr Powers

2. Reply of C E De Long

3. C L Fisher with accepting position of
Acting Consul for Nagasaki

Leafy

N°26 United States Consulate

Nagasaki March 1st 1893

To His Excellency

Hon Chas E. DeLong

Env Ex & Minister Plen.

Yokohama

Sir

I have the honor to inform you that I have appointed Rodney H. Powers Esq an American Citizen residing at this Port Acting U.S. Marshal for this Consular Port. Said appointment to date from Oct. 15 1892 and have the honor to request that his appointment may be approved by your Excellency and my action favorably reported to the State Department

I have the honor to be

Sir

Your most obedient Servant

(sgd) Chas. L. Fisher

Act: Alb Consul

Copy

No 64 US Legation Japan

March 7th 1873

Sir

I have the honor to acknowledge the receipt of your No 25. 26. 4 27.

With reference to the appointment of Mr. Powers as Acting Marshal I do not feel authorised under my instructions to do more than forward a copy of your note advising me of his appointment, to the State Department for its advice and instruction

I have the honor to remain

Sir

Your most obedient Servant

C. E. DeLong

Chas L. Fisher Esq.

Act: US Consul

Nagasaki

Copy

N° 25 United States Consulate

Nagasaki Feb. 28th 1873

To His Excellency

Hon Chas E DeLong

US Env Ext & Min Plen

Yokohama

Sir

I have the honor to acknowledge the receipt of your dispatch No 55 with its enclosure advising me that Mr. Mauzume having been granted leave of absence for six months by the State Department, and directing me to appoint some person to perform temporarily the duties of this Consulate and that in view of this order you had appointed me Acting Consul for the United States for the port of Nagasaki for such length of time

time as may be agreeable to our Government.

In accepting this post of trust I beg to assure you that the duties thus incurred will be faithfully executed

Thanking you for the honor conferred

I have the honor to be

Sir

Your most obedient Servant-

Chas L. Fisher

Act: US Consul

DEPARTMENT OF STATE
RECEIVED
APR
11
1873

Mr Bernard
to
Mr Boyd

Legation Japan
March 7th 1873

No 358

Acknd as below
16 April

Sirs

I & D de Long

Minister

Contents.

Deportation of John Rogers from Japan by Consul Shepard in defiance of instructions

Also the deportation by the Consul of four other men by the last Steamer

In Rogers Case it is not shown that the Consul transcended his power. The judgment & sentence appear to have been authorized by Law. No appeal lay to the Minister.

In the case of the four other men. Explanation from the Consul must be required. he must be ordered to explain by what authority he sent American citizens out of the Country

Ans 12

Ans 50
Apl 18.

As to Rogers' Case, it appears that assessors "Sat at the Trial & concurred with Mr. Shepherd. No appeal has been taken to the Minister § 446 Com. Reg. In subsequent proceedings Shepherd appears to have conducted with Dekays instructions -

The other cases seem to require some explanation from Shepherd.

Delong appears to be interfering with judicial proceedings to an extent not contemplated by law.

No 358 Legation Yokohama

Japan March 7th 1873

Sir.

I have the honor to advise you that a short time since one John Rogers called upon me and complained to me that Mr Stupart Consul for this port had withdrawn from him all American protection under a sentence of deportation issued against him. That Mr Rogers had been ordered out of the country by the Japanese officials &c.

I at once addressed a note to Mr Stupart inquiring about this matter Enclosure No 1. 1/358

To which he replied on the same date (Enclosure No 2). communicating with his note a copy of the judgment issued 2/358

Hon Hamilton Fish by

Secretary of State

Washington D C

3/334 by him against Rogers (Enclosure No 3) and
also a copy of a communication addressed
by him to the Governor of this port notifying
him that he had given Rogers one months
time in which to settle his business and
4/338 leave (Enclosure No 4)

This sentence appears to have been
ended the 7th day of December 1871 just
about a year after Mr Shepard had been
instructed by me through your direction
that he as a Consular Officer must not
render judgments of deportation.

5/334 (Enclosure No 5).

At the time of the sailing of the
last mail Steamer for San Francisco from
this port I went on board and then met
the acting US Marshal for this Port
In reply to my enquiries as to why
he was there he replied that he had
brought off four men who were
being

being sent out of the country by order of Comd Shepard. He further remarked that he had experienced some trouble with one or two of them who had resisted and compelled him to use force to bring them on board

Feeling astonished at such proceedings relative to which I had not received the least notice, I at once addressed Mr Shepard a Note asking an explanation (Enclosure No 6) 6/33-8

To this note Mr Shepard replied on the 23rd inst. (Enclosure No 7) also enclosing Copy of judgment in case of Charles Mason (Enclosure No 8) also against Lewis Smith (Enclosure No 9) and also against Walter Bernard. (Enclosure No 10) From an examination of this report with its Enclosures you will learn that, the deportation of none 7/33-8 8/33-8 9/33-8 10/33-8

of

of these men it was by either the act
or request of this government: neither
does it appear in the case of two of
them that they had ever been tried and
found guilty of any crime, in short
it appears to me to have been an
action wholly unauthorized by any
law of the United States and in plain
and direct violation of instructions
from your Department. However, I
leave you to judge relative to this and
to take such action as you may
deem proper under the circumstances
as it seems to be quite useless for
me to give this office any instructions

Further I beg to advise you that
in my No 15. of this year to Col Shepard
which I transmitted to you with my
Despatch No 341 of date the 21st
day of January last I again called

to

Mr Shepard's attention to the fact that
no judgments of deportation could be
legally rendered by Consuls.

This Man Rogers asserts and believes
that the Japanese have never sought this
deportation but that Mr Shepard has
desired it and instigated them to give
them a notice to leave. How this is
I do not know but it does seem a
little strange that in such an important
matter as this there should have been
no written communication received by
them.

I have the Honor to remain
Sir
Your most obed't Serv't
C E de Long

List of Enclosures
No 1 C E de Long to Consul Shepard asking for
a

a report about the Rogers case

No 2. Reply of Consul Shepard

No 3. Copy of judgment in case of Rogers

No 4 L & Shepard to the Governor advising him that he had given Rogers 30 days in which to leave

No 5 & 6 Sec de Long to Consul Shepard. instructions not to order judgments of deportation.

No 6. L & de Long to Consul Shepard inquiring about the deportation by him of Masons & others

No 7. Reply of the Consul

No 8 Judgment in case of Charles Mason

No 9. Same in case of Lewis Smith

No 10. Same in case of Walter Bernard

Corrs

No 57. U.S. Legation Japan

February 21st 1898

Sir

I this morning a Mr. J Rogers called upon me and stated that on yesterday he was verbally notified by the local Japanese authorities for this port that he must leave this Empire within fifteen days from that date. I that in reply he stated that as an American Citizen he could not recognise any orders or commands given him by Japanese officials unless communicated through American officials.

He further stated that he then at once called upon you and stated this occurrence to you:

that

that your only reply to him was a note in writing which he handed to me and which read as follows

United States Consulate

Kanagawa Yokohama Japan

February 20th 1893

This is to certify as to sentence passed upon him in this Court in December 1891 all american protection has been withdrawn from John Rogers convicted at the above mentioned time of forgery

C. A. Shepard

U.S. Consul

As no report of this trial and findgment has ever been made to this legation I will thank you to fully report the same and also to furnish me with

with copies of any and all
correspondence that may have passed
between any of the Japanese officials
and yourself relative to requiring
this man to leave the Empire,
also copies of any correspondence
upon the subject that may
have passed between Mr. Rogers
and yourself relative to the
same subject.

I have the honor to remain

Sir

Your most obedient Servant

C Eidesburg.

C. O. Shepard Esq

US Consul

Kanagawa Japan

Calif.

N° 64 US Consulate

Kanagawa Feb. 21st 1873

Hon

C. E. De Long.

US Minister

Sir

Replying to your N° 57 of this date I have the honor to hand you copy of Judgment in the case of John Rogers, also copy of a letter addressed by me to the Governor at the expiration of the 30 days given Rogers to settle his affairs

Application for his deportation was verbally made by the Japanese authorities before his release, and I verbally informed Rogers of the same the day his sentence expired

expired and also verbally gave him the before mentioned 30 days to arrange his affairs.

Inadvertantly I failed to give the legation the required information which at this writing late day I beg to do

No other correspondence passed between the Japanese Authorities Rogers and myself concerning the matter

I do not imagine that you desire a copy of the trial as it is very lengthy besides which Rogers has in his possession a certified copy of the same

I have the honor sir to be

Your most obedient Servt.

C A Shepard
US Consul

Cosby

In the Consular Court of the US
for Kanagawa Japan
Before C.A. Shepard Uscons.

People of the US.
vs
John Rogers } Charge - Forgery

Dec. 7th 1891 10. A.M.

Case called - Present. C.A. Shepard, Consul
Geo E. Lane & S.K. Lothrop assessors
Mr. Mutzu Murametzu Governor of
Kanagawa. Mr. Hale for
Prosecution and Mr. Marks for
the defence. Court addressed
prisoner.

Rogers in making your
sentence extremely light - the court
has carefully taken into
consideration the character of
the evidence and the possible
circumstances under which it
was given on the one side
and

and the misery suffering
and imprisonment caused on the
other

If the crime charged the
Court finds the prisoner Guilty
and the sentence is that Galen
Rogers be imprisoned at
Hard Labor for the term of
one year and that he forfeit
his right of residence in
Japan

Ade concur (Sgd) C. O Shepard
Geo C Lane (L S) US Consul
S. K. Lothrop

Dated Dec 9th 1871

Court adjourned

Sgd Geo. H. Mitchell
Asst Consul

Copy

No 4 US Consulate

Kanagawa Jan 2nd 1873

Oye Jak Esqr.

Kanagawa Ken Gon no Kami.

Sir

I have the honor to inform you that- John Rogers convicted in this court- one year ago of forgery has served his term of imprisonment- and is now at- liberty. I gave him one month to settle his affairs and this is to inform you that- all American protection has been withdrawn from him he being from this time under the jurisdiction of the Japanese Government-

I have the honor to be Sir

(sgd) Your obedient- Servant-

C. P. Shepard
consul

Copy
No 147 US Legation Yokohama

November 26th 1870

To C. O. Shepard

US Consul

Leds Japan

Sir

Under instructions received by me from the State Department I deem it to be my duty to advise you that it is illegal to register firms or Copartnerships.

Registration should only be made of individual Citizens entitled thereto.

Also that you cannot legally render judgments of deportation.

That your proper course to pursue in cases where the Japanese claim to have a Citizen

of

of the United States deported from Japan on account of his having been convicted of a felony or twice convicted of a misdemeanor will be to notify such person such person of the demand and inform him that he will be allowed a certain length of time in which to make his necessary preparations for leaving the Empire (specifying the length of time you deem reasonable under the circumstances not to exceed one year) and further informing him that after the expiration of such allotted time if he shall still remain in this Empire that he will not be accorded any protection from the American authorities here; and of such action

action on your part at once
inform the Japanese authorities
and this legation.

I beg leave therefore
to treat as inoperative Section
23 of the Consular Court Rules
and Regulations for this
jurisdiction governing procedure
in criminal cases

I have the honor to remain
Your most obedient servt.

C C De Long.

Desp.

No 62. US Legation Japan

February 26th 1873

Sir

He annex been informed that four or five men were sent out of this Empire by the Mail Steamer of yesterday by your order, I would thank you to send us to me copies of the judgments of your Courts in each of the cases and also copies of any, and all correspondence between the Japanese authorities and yourself in relation to the deportation of each of said persons if any correspondence has passed relative to the subject:

I have the honor to remain

C. O. Shepard Esq Your most Obt Svt.

US Consul

Copy.
No 69 US Consulate

Kanagawa February 23 1872

Hon
C. E. De Long
US. Minister

Sir

Replying to your Excellencys
No 62. of the 26th inst- I have the
honor to say that it is true I
sent out of this Empire by the
P. M. S.S.Co Steamer "Alaska"
four men, but I did it as I
thought, for the best: Copies of
the judgments asked for I send
with the exception of Browns.
He had never been charged
nor convicted in this Court but
I thought it better that he go.
I had no correspondence with
the Japanese Authorities relative
to

to their department hence of
course I have no copies to forward.

I have the honor Sir

to be

Your obedient Servant

C. A. Shepard

Consul

Consular Court of the United States
at Kanagawa Japan

Before C. O. Shepard
US. Consul.

People of US.
vs
Charles Mason and others

Prisoner arraigned and plead "Not Guilty" to a charge of Highway Robbery
Tried & Acquitted

Dated Jan 14th 1893

(Sd) C. O. Shepard
US consul

Present
Mr Consul
Gustavus Farley
E Rathbone Miller

Consular Court of the United States

at Kanagawa Japan

Before C.A. Shepard

US Consul

Investigation held on complaint of

Captain R.R. Drummond of Ship

"Scotia" of Bath Me. against

Louis Smith + others charged

with "Insubordination" Drunkenness ✓

and unlawful acts impeding

the sailing of said ship

Prisoner plead "Not-Guilty"

Sentence

Prisoner Louis Smith found

Guilty of Insubordination +

Neglect of duty tending to impede

the navigation of the ship sentenced

to 2 Months and 10 days

Dated Dec 13th 1872

(sgd) C.A. Shepard

US Consul

Copy

Consular Court of the United States

Kanagawa Japan

Before C. A. Shepard

USConsul

People of US
vs
Walter Bernard

Prisonier arraigned on charge of Vagrancy.

Plead "Not-Guilty"

Tried and Found Guilty

Sentence

To be confined in Gaol at-Hard labor for the term of 3 months

Dated Dec 10th 1892.

(sgd) C. A. Shepard

USConsul

Delegation Japan
to Ex. Dept. Minister

No 358.

Dated March 7th 1873

10 Enclosures

Relative to deportation
of American Citizens
from Japan by Consul
Shepard.

File March 8th 1873

United States Legation, Japan.

Yokohama, March 8th 1873

My Dear General.

By the last mail I received from Fish a private note advising me that the President wished me to send in my resignation to take effect at the date of four years from the time of my original appointment. I was a little surprised but I at once prepared the required document and intended sending it forward by this mail at the same time maintaining perfect secrecy as to the communication I had received. My surprise was increased when upon meeting the Gongi Office the next day I learned from the Japanese officials that they had received advices from Washington to the effect that my conduct in having obtained permission for Doctor Hepburn to print a Bible to the Mikado had been severely disapproved and that I would be called upon to resign. They even went so far as to advise me that Mr Bingham of Ohio had been offered the place and had declined it on account of ill health, and that it had then been tendered to a New York gentleman who had the offer under consideration. They at once asked me if these things were true and I was forced to acknowledge

that I had been requested to resign but more in justice to
own government than from any personal feeling I assure
them that they were wholly in error in assuming that this
action had been induced by my having founded the Bible

This however they insisted they were assured was the case
and declared it to be their intention to at once request
my government on the part of their own that I should
be allowed to remain, and concluded by earnestly requesting
me to delay sending in my resignation until the next
mail to give their communication an opportunity to
received and considered before my resignation should
reach the President and final action be taken by him

At first I refused to comply with this request - but as
the matter has become public here and the same favor
has been asked by numerous other parties I have
finally consented to do so and now write this to make
known why my resignation will not reach you by
this mail I sincerely trust that the President will
not misunderstand my action in this matter for I
beg to assure you that I state the simple truth and no
desire to longer occupy the place annoyates me in the
least. - The President assured me when I was in Washington
of his entire satisfaction with my course, & pressed his desire
for me to return and further assured me that if ever any

news from the prejudicial to me reached him that I should always be given a chance to be heard before being judged.

Relying upon this promise I attach full faith to the assurances contained in the note of Mr Fish to the effect that the President has directed him to assure me that the change in the mission to Japan is not made "from any "personal consideration affecting yourself or for any "diminished confidence in you." With an assurance of this nature from such a source I can lay down the Commission I now bear proud and grateful and I will forward my resignation by the next Steamer unless in the meantime in answer to telegrams already sent a reply should be received to the effect that such action is no longer desired by the President. The Japanese have promised to send me a copy of the Note they purpose to send on by this mail. Should they do so I will enclose a copy of it herewith, which will be a proud piece of evidence of my good standing at this Court—

I trust also that Mr Fish will not feel annoyed by my failure to reply at once: if there should be any fear of this in your mind I beg you to make known to him also the reason for my silence and ask him for me to excuse my action upon the grounds I have stated.

I beg leave to advise you of the continued peace and

prosperity of this people. The Embassy from Peru has
arrived here received in a most courtly manner, transacted
its business so far with the best of feeling and I am
in the receipt of the warmest assurances from both the
Peruvian and Japanese government for the part I have taken
in the business of the Maria Luz and other matters affecting
each nation. In a few days the Embassy for China
sails on board a squadron composed of one iron clad and
one wooden corvette. Report says considerable excitement
relative to this mission is felt in Chinese official circles
which is all unnecessary however and is mainly promoted
by foreigners other with to secure a trade in arms and
ammunition. However if the barbarians of Formosa and
Corea cannot be stopped by the Chinese government from
murdering distressed seamen cast upon their shores you
may depend upon it the Japanese will attend to that business
for them and for the life of me I cannot see why we should
not sympathise with them when we tend to do the same
thing in both places and muting in each case with a
worse we left those countries a more dreaded scourge in
the pathways of commerce than they were before we essayed
to punish them. Please present to the President to
Mr Grant and Mrs Babcock my renewed assurances of
high consideration and respect. Do me the favor to let the
President know the contents of this note and believe me I
remain as ever. Your sincere friend
E. De Long

General O. B. Babcock.
Executive Mansion
Washington D. C.

P.S. I enclose copy of telegram of the 29th ult. from this legation
that you may know what is being done in our State Dept and I think a

Executive Mansion.

De Long C. G.
E. E. & M. P. Japan.

DEPARTMENT
RECEIVED
APR
15
1873

Asks that request for his resignation may be reconsidered.
Encloses copy (translation) of communication recomdg. his retention from Minister of Foreign Affairs, Japan.

Respectfully referred to the Secretary of State.

By direction of the President:

Apl. 14th 1873

Levi P. Luckey
Secretary

Legislature

Copy Department of Foreign Affairs

Yokohama 9th day of 3rd mo. 6th Meiji.-

Sir,

I have received your last despatch informing me that Mr De Long's action in regard to the presentation of a Bible to His Majesty the Mikado by Dr Hepburn has been disapproved at Washington. And I am told by General Le Gendre that he has learned that by Mr Fish's advice, Mr De Long will forward his resignation by the next California steamer.

I have laid these facts before His Majesty. who apprehends that such an officer as Mr De Long, who gained great experience by a long residence in our country, is wanted by the present Policy, to advance our ~~interests~~ relations with Foreign Powers, and that the residence of such officer

office in our country will bring the friendship existing between both Japan and the U.S. more cemented, and it will produce the interests to both nations.

His Majesty thereupon, has directed me to say that he indulges the earnest hope that upon reconsideration of the matter, by the Government of U.S. Mr DeLong's resignation shall not be accepted, and that this office may yet be allowed to remain at his post, permanently if possible.

You are instructed to read this dispatch to His Excellency the Secretary of State, and may leave with him a copy if one be desired.

I am Sir. Yours truly

Viscount Mori
Chargé d'affaires of
Japan in
Washington.

Goyernment Secretary
Minister for Foreign Affairs

DEPARTMENT OF STATE
RECEIVED
APR 11 1873

Adm Appleton
Apr 12

Mr Bakar

Delegation Japan

March 8th 1873

No 359

Ackd

From

C C De Long

U S Minister

Contents.

Communicating correspondence between this Legation and Lieut-Comdr Watson USN Senior naval officer in Japanese waters relative to departure of Japanese fleet for China. &c

No 359 Legation Yokohama

Japan March 8th 1873

Sir.

I have the honor to advise you that I addressed Lieut-Commander Watson U.S.N. Senior naval officer in Japanese waters a note advising him of the proposed departure of the Japanese fleet for China bearing the Embassy. and requesting him to at once advise Rear Admiral Jenkins U.S.N. under who the Senior naval officer in command at Shanghai of this movement. (Enclosure No 1) 1/339

To day I received a reply from Com Watson advising me of the action taken by him. (Enclosure No 2) 2/339

I have the honor to remain

Sir

Your

Hamilton Fish, Govr

Secretary of State

Washington D C

Your most obedient Servant

C E De Long

List of Enclosures.

No. 1. C E De Long to Lieut-Commander Bateon USN.

No. 2. Reply of Mr Bateon

Copy No 65.

United States Legation in Japan

Yokohama March 4. 1870.

To

Lieut. Comm^d Watson,

U.S.S. Idaho Yokohama

Sir,

I beg to advise you that on the 10th inst., a Japanese Fleet came there waters for China, bearing an Embassy from the Court of Yedo to that of Pekin. The Fleet will probably rendezvous at Shanghai in the first instance, the purpose of the Embassy is probably of peace, but as it goes charged with business of a troublesome nature, I have some fears relative to the issue.

I also learned yesterday, of the Charter of a steamer to carry five hundred

hundred troops immediately to Kagoshima.

Under these circumstances, I deem it advisable to have Rear admiral Jenkins K.C.B. and also our naval officers at Shanghai and Tientsin at once notified of these movements.

I beg you therefore to discharge this duty without delay.

I have the honor to remain,

Sir,

Your most obedient servant

(Sig'd) H. E. De Long

Copy

USS Idaho 3rd Rate

Yokohama Bay Japan

March 8th 1893

To His Excellency

C. E. De Long. US Envoy

Extraordinary & Minister Plenipotentiary

to Japan

Sir

I have the honor to

acknowledge the receipt of your

very important communication

dated and received yesterday

7th inst. and in accordance

with your request and my

own view of the importance of

the information, I lost no time

in communicating the facts &

the state of affairs to the senior

US naval officer in China.

Commander Adams USS. Swatara

now

now at Shanghai. I enclosed
herein a copy of your dispatch to me
in P.M.S. Steamer Amid which
left yesterday for Shanghai and
will communicate with Rear Admiral
Jenkins by the English Mail Steamer
leaving Here for Hong Kong on
the night of the 10th inst. Admiral
Jenkins is just now absent
arriving at Hong Kong in the Abb.
Sakawama returning in your
judgement it may seem most-
expedient for me to communicate
their movements to our naval authorities
in China by telegraph will you
kindly let me know and also
keep me posted in anything which
may contribute to their Efficiency

I am Sir

Your

very respectfully

Your obedient Servant

J. Contender Watson

Lieut-Com. U.S.N. comdg.

USS Idaho & senior Off Boat:

Hon. W. W. Long, Secretary

No 359.

Dated March 8 1873

Two Enclosures

Correspondence with Lieut-Commander Watson, about the departure of the Japanese Embassy.

Ans Apl 12 acknd Mr. Braun

No 360 United States Legation in Japan

Yokohama March 9. 1873.

From

C. E. DeLong

U.S. Minister

Contents

Official notification of Minister Soyeshima's departure for China.

Adv Apl 12 Ackd W. Brown

No 360 United States Legation in Japan

Yokohama March 9. 1873.

From

E. E. DeLong

U.S. Minister

Contents

Official notification of Minister Soyeshima's departure for China.

No 360 United States Legation in Japan

Yokohama March 9. 1873

Sir,

I have the honor to advise you that on the 6th instant, I received a note from Mr Soyeshima Tanenori, advising me that on the 10th instant he would leave for Peking the Capital of China. as H. I. J. Majesty's Extraordinary Ambassador. and that during his absence Mr Ozawa Tagniori his 2d Assistant Minister for Foreign Affairs would conduct the business of that office (Enclosure No 1) 1/360

I have

Hon ble

Hamilton Fish

Secretary of State

Washington D.C.

There is some excitement in foreign circles here and in China caused by the proposed departure of this Embassy upon a squadron consisting of two small of war, one being ironclad, and also occasioned by the reported movement of a body of eleven hundred troops from Yedo to Kagoshima. By reports from China, I also learn that in official circles there, considerable excitement is also manifested. Upon mentioning these matters to Mr Soyeshima, he informed me that the movement of troops was meaningless and only in pursuance of the custom of the Government of returning the troops from the Capital to the Princes once a year, and supplying their places with

with troops from the provinces."

He also assured me that he had concealed nothing from me relative to his intentions in connexion with China.

Notwithstanding these assurances given me by Mr Soyeshima, I suspect this movement of troops to have a decided meaning.

When this Formosan matter was first arranged, as I have reported to you in my previous despatches, His Excellency Saigo, who is Commr in Chief of the Army, the Senior Councillor among the Sangi (Privy Council) left suddenly for Kagoshima and has not yet returned from there.

On special occasions, I have enquired of Soyeshima as to what

Saigo

Saigo was doing there. and only upon one occasion did he apply directly to my question. which reply was. "Saigo had went there to restrain the Satsuma soldiery from attempting some premature and ill advised expedition against Formosa. This, I think is true, as far as it went: but I also believe him to have had a further object; namely, to organize a land and naval expedition — composed of the best troops and material of war at the disposition of this government. ready for any emergency that might arise in connexion with the relations of this Empire with China, Formosa, or Corea: and I believe this movement

of

of troops from the Capital to be one of the features of that plan.

The squadron is expected here on the evening of the 10th inst and will sail from here on the morning of the 11th for Shanghai: at which place it will rendezvous and there proceed to Tientsin.

General Le Gendre accompanies the Ambassador as Counsellor, holding the second place in the Embassy.

I have the honor to remain

Sir

Your ob't Servant

C. E. De Long

List of Enclosures.

No 1. Sorjeshima Tameami to C. E. Delong advising him of his departure for China

Copy.

Translation

Foreign Office Tokio

the 6th 8rd mo. 6th Meiji.

Your Excellency.

I have the hmr to communicate Your Excellency that I am going to Peking the Capital of China as H.I.J.M's Extraordinary Ambassador on the 10th instant. and as during my absence Mr Mooyono Kajinosi the 2nd asst. Min. for Foreign Affairs will take my place, Your Excellency will have any business to do with him.

With respect & consideration

Soyeshima Tanenosi

To H.I.J.M's Minister for Foreign Affairs

H.E.

C.E. DeLong.

Chargé d'Affs. of the U.S.A. & Hawaiian Islands,

in Japan

Ans- Apl 1st Ackd

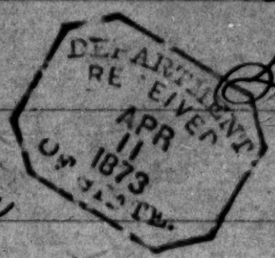
No 361

Mr Berdan

United States Legation in Japan

Yokohama March 9. 1873.

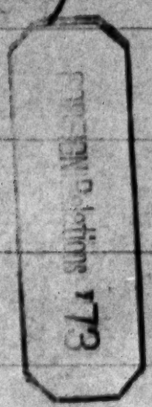
(Recd)



From

C. E. Delong

U.S. Minister



Contents.

Arrival of the Peruvian Legation

Its reception by this Government. its negotiations entered upon. Civilities extended by myself.

No. 361 United States Legation in Japan

Yokohama March 9. 1873.

Sir;

I have the honor to advise you, that on the 27th instant, the Legation from Peru, headed by Senor. Aurelio Garcia y Garcia, arrived here per the American Mail. The day following H. E. accompanied by his Secretary of Legation. J. Fessiers Elmore. called upon me, and I at once accompanied and introduced them to the consular foreign Representatives here. On the next day.

I

Hon ble

Hamilton Fish

Secretary of State

Washington D.C.

I accompanied them to Yedo. — intending to call with them at the Foreign Office and introduce them to the Ministers. but on our arrival we found it to be a holiday. and the office closed.

Knowing Mr Sayeshima's earnest desire to meet with the Embassy as speedily as possible after its arrival. I went alone to his — residence, to learn from him if it would be agreeable for me to call with them then on that day.

During my interview with him, he advised me of his intention to offer the Legation a temporary residence at Enriyo Kwan, the Imperial Chateau in Yedo, reserving only the Royal apartments. — This

making

making
them for the time being. the guests
of the Government. and also —
expressed a desire to have them at
once call upon him. which we
accordingly did, the interview was
very pleasant in its nature, a copy
of the letter of credence was delivered,
the Chateau was tendered and accepted,
and an audience at an early day
requested, and promised.

I also tendered to the Legation, any
use they might see proper to make
of the Legation building in Yedo.
placed the services of Mr A. E. Rice
Interpreter for our Legation, at their
disposition.

Returning from Yedo to Yokohama
with Señor Garcia, the question of
the

the "Maria Luz" case, was —
discussed to some extent by us.

In the course of that conversation
I ventured to state to Capt. Garcia
my opinion to the effect that
if any serious controversy should
arise between his Government and
this, upon that subject, Japan
would unquestionably have always
with her, the civilized sympathies of
many of the Christian States, that
in the efforts this nation was putting
forth to become a civilized Power
she carried with her constantly,
the active assistance of all States
having treaty relations with her,
and that the foreign Representatives
at her Court had always

endeavored —

endeavored to act as a Unit,
in assisting and encouraging her
in each labor of reform. That
we had all been called upon very
frequently to overlook on the
part of this Government errors
and mistakes sometimes amounting
to actual grievances; that this
action had been taken to prevent
casting a chill upon the tide of
good feeling of foreign States, that
had so strongly set in here.
That in this great movement in
favor of civilization, I felt sure
her Government and himself,
must feel as lively a sympathy
as any other Government or
Representative.

That

That within the last few weeks,
this Government had inaugurated
reforms most gratifying to the
civilized world. It had opened
its edicts against Christianity, taken
down its notifications and proclamations
relative to the same, proclaimed
rules organizing its Judiciary on
the basis of Courts in Europe and
America, and had also offered upon
certain conditions to open its entire
territory freely to foreigners.
That in these noble works of reform
M Soyeshima had been recognized
by the Diplomatic Corps resident
here. as the able and active leader,
That, at such a juncture, it must
cause inexpressible pain to
the

the Civilized World, to have anything occur tending to check this noble progress, or to weaken the influence of a Minister so able and so liberal as M. Soyeshima. That under such circumstances, I begged to express the hope, that on his part these negotiations would be conducted in a spirit of magnanimity and liberality overlooking technical faults, in order to preserve undisturbed the spirit of good feeling now animating the people.

I further stated to him that I had been thus candid with him, in order that the direction of my sympathies might not be misunderstood, and further that he might have a correct understanding of the condition

of

of affairs here at this time.
H. E., was kind enough to hear me through with courtesy and patience, and after I had concluded, to assure me that all I had said should be maturely considered by him, and also he expressed the liveliest sympathy with the spirit of progress which was prevailing here.
Several days after His Excellency's arrival, he delivered to me a formal
1/361 letter announcing the same
(Enclosure No 1)
Also a letter from the Peruvian Government thanking me for my action in + representing its interests here.
2/361 (Enclosure No 2)
To the latter, I replied, on the 2nd inst. expressing my willingness to assist
this

this Legation in establishing treaty relations with Japan, presenting complete copies of all expenses that had been incurred in taking charge of the vessel, and tendering her to His Excellency. — Also a receipt to a verbal agreement made by him, inclosed copies of all despatches with their enclosures sent by me to his Government which had not arrived at Lima, prior to his departure. (Enclosure No 3) 3/3/61

I beg to advise you that I have not furnished to H.B. copies of any instructions received by me from you, nor ~~note~~ copies of any despatches sent from this Legation to you.

Before the sailing of the next mail, I will prepare & forward to you, a complete list of such documents

as

as I have furnished him with.

On the 8th inst, the Minister was received by the Emperor, as he advised me by note of date March 4th (Enclosure No 4) and at the same time, he unofficially furnished me with a copy of his address to the Emperor, (Enclosure No 5) and also a copy of His Majesty's reply. (Enclosure No 6) On the 3rd inst. I received from H.B.M. a dispatch, acknowledging the receipt of my note with enclosure expressing his satisfaction therewith, and also with the Act of the "Mandang" as presented, promising to pay the same, and asking me to retain possession of the ship for a short time. (Enclosure No 7)

4/361

5/361

6/361

7/361

On

On the 8th inst. I received another note from him, asking for copies of the correspondence that had passed between this Legation and the Japanese Government relative to the establishment of a new Court of Justice for Kanagawa, and the amendment of the Municipal Convention of Yokohama. Also for a copy of that Convention, and a copy of the despatch received at this Legation in 1867, accepting that Convention. (Enclosure No 8) In which despatch after first asking the Minister for Foreign Affairs if there was any objection on his part to my complying with this request, and receiving his assurances that there were none, (Enclosure No 9) I enclosed with this despatch, are the same as those which 8/861 9/861

which I forwarded to you with my
No 346.- with the addition of the
copy of the Convention, and the letter
of the Japanese Government accepting
it in 1867. In this connection, I
beg leave to advise you, of my receipt
on the seventh of last February of two
10/361 despatches from the Peruvian Government
11/361 (Enclosures Nos 10 and 11) to which I
replied on the 28th of that month,
12/361 (Enclosure No 12) This I believe,
completes the record of all my
correspondence with that Government,
also with this Government relative to
Peruvian interests. and also with this
Peruvian Legation.

On day before yesterday, I ~~left~~ met
the Tycoon who wished to confer
with me about the business of this
Peruvian

Peruvian Embassy.

He appeared somewhat restless at the idea of being detained here by this business, and being compelled to enter upon the "Maria Luz" discussion, which had evidently become somewhat distasteful to him. He asked me what course I would recommend him to pursue. In reply, I said "At your conference appointed for Tomorrow, I would at once offer to conclude a treaty with Peru, upon as favorable terms and conditions as those existing between Japan and other States. After doing which, when the Peruvian Minister moved mention the "Maria Luz" business, I would unhesitatingly say to him, that the Government of Japan never having had any relations

with

with the Peruvian Government or its people, prior to the arrival of this barque. It must be apparent to him that the Japanese Government had no intention or desire to give any offence to the Peruvian Government and stood ready to give him such assurances. That if the Peruvian Minister should claim that the transaction has been illegal, that the interests of private parties had been injured, and prefer a claim for a money indemnity, to treat such claim with respect, notwithstanding however fixed his opinions might be against it, - to say to the Minister in reply, that the Japanese Government in the conduct of the "Maria Luz" case had been

prompted

prompted solely by the desire to
do justice, and relieve suffering
humanity; that it had been guided
in its actions by advices upon whose
legal opinions the Government places
the greatest credit, yet he stood ready
to hear from them any representations
they might have to make in proof
of the illegality of this proceeding,
and would not hesitate if convinced
that any injustice had been done
to any of his people to grant them
a proper indemnity; That the
discussion of this question was
one that could not well be entered
upon by him until they had presented
their case and he had submitted it
to the law officers of his Government
for their examination and report.

That

that his intention to leave in a few days for Peking would preclude the possibility of his entering upon that discussion, before his return. Therefore necessitating such delay or otherwise submitting the matter to his successor in the Foreign Office

Mr Sayenkwan expressed himself entirely satisfied with this expression of opinion.

On the same day, I was also called upon by Mr Garcia, who enquired of me whether I thought it best for him to conduct these negotiations verbally or in writing. I replied, that if I was conducting the negotiation, I would first ask a conference. and at that conference, I would state all of my

my requests, and learn the views of this Government in reply. Then, if it should seem that some were assented to, and others not. he would understand to what points it would be necessary for him to address his written case.

He seemed to accord with the Ministers view, and since that time a conference has been held, the proceedings of which have been detailed to me by Mr. Rice, who acted as Interpreter.

From Mr Rice's Statement, it appears, that Mr Soyeshima opened the Conference by stating that being compelled to absent himself for a short time, he deemed it his duty to ask the Peruvian Envoy for a Statement of the objects of his mission.

That he would be required to explain the cause to His Majesty the Tenno, before his departure, and would also like to be able to reply to any questions upon the cause, that might be asked him while in China.—

That if a Treaty was denied, as has been hinted, by the Envoy at the Audience with the Tenno,— the Government was ready to discuss the same,— and that if the "Maria Luz" case was to be opened again, they would give him their attention also.— But with reference to the latter, he must allow that the Government of Japan never having had any relations with Peru, could not be suspected of any desire to

injure

injure or oppress its people that
came into a Japanese port or
their own country's vessel.. and
his Government was ready to
give them such assurances at any
time.. and closed by stating, that,
his Government had considered that
in conducting the proceedings as
they had done, they were acting
humanely and from the best
of motives.- and having no desire
to conceal one single act of
theirs from the public eye.- had
in fact distributed copies of the
whole case to the different
Treaty Powers.- in order to learn
the opinions of those who had
one to give.—

A.B. the Peruvian Minister then
replied, that he was much

much pleased to learn the good intentions of the Japanese Government shewn towards the participants in that affair. That, since y his people had sustained personal inconvenience and pecuniary loss, and whereas, the original intention of the Peruvian Government had been to establish a treaty of amity, & with Japan, and named its officers who were to attempt such a duty, the agents of the "Maria Luz" affair had claimed their later attentions, and he as the Envoy, considered that it should be considered fully, and a determination as to whether his people were entitled

entitled to a pecuniary indemnity
for loss sustained, be arrived
at before the Treaty negotiations
were entered into. —
Mr Lizalde then repeated his
willingness to have the matter
considered by the proper officers
of his Government, and proposed
that in the event of a final
disagreement, the question be
referred to some friendly Power,
for arbitration and settlement.
M. B. Leon Garcia, then said, he
was willing for such points as
could not be agreed upon, to
be referred in such away, as
that an arrangement might be
made before Mr Lizalde

left

Yedo for China, and the
Soyeshima replied that he could
not have time to consider the
question at all, before his departure.
Whereupon Mr. Seiwa Saicho gave
notice of his intention to send,
in his "Exposition" of the case
within a few days, and the
Soyeshima reiterated his promise
that his memorial would give
it his careful attention.—

Thus this matter stands at present
with the relations between the Legations from
Peru and the Japanese government most
kind and the whole affair in as
fair a shape for amicable apartment
as could be wished.—

Awaiting your kind approval

I have the honor to remain
Sir
Your most obed't Servt—
O. H. Delong

List of Enclosures.

No 1. — Peruvian Minister to C E de Long announcing his arrival.

No 2. Peruvian Govt to C E de Long.

No 3. C E de Long to Peruvian Minister

No 4 Peruvian Minister to C E de Long. Adverting of his audience with the Mikado

No 5. Address to the Mikado.

No 6. His Majesty's reply.

No 7. Peruvian Minister to C E de Long. thanks for Enclosures. Acts found correct- and payment promised. Asking me to hold the vessel for a few days

No 8. Peruvian Minister asking for Copies of correspondence relative to the Yokohama Municipal Committee

No 9. Reply of C E de Long forwarding the Enclosures called for

No 10. The Peruvian Govt to C E de Long

No 11. Pomrain Gramment to C C de Long

No 12. Reply of C C de Long

Copy of Translation.

Yokohama Feb. 28th 1873

Sir

I have the honor to inform your Excellency that I arrived in this City late yesterday by way of San Francisco California accredited by the Government of Peru as Envoy Extraordinary and Minister Plenipotentiary.

My Government has entrusted me in a special manner to express to H. E. the very particular pleasure which they have experienced on knowing the solicitous care with which H. E. has attended to the Peruvian interests which were entrusted to your Excellency since 1870 and more especially H. Es. action in the incident of the Peruvian Barque "Maria

"Maria Luz". The Minister for Foreign Affairs has separately written to H.E. a communication on this subject.

Within a few moments I shall avail myself the pleasure of calling at H.E.'s residence in order to express personally to H.E. the above sentiments which are also those felt by him who now has the honor to subscribe himself as

Your Excellency's

Most Obedient Servant

(signed) Aurelia Y. Garcia

Copy Department of Foreign affairs
Lima November 21st 1872

Hon Aurelio Garcia y Garcia
a first Captain in the Peruvian ?
who will place this note in
Your Excellencys hands, has
been appointed Envoy Extraordinary
and Minister Plenipotentiary
at the Courts of Lima and
Japan with the object of conc-
luding Treaties of Friendship
and Commerce with both
Countries Mr Garcia is
also charged with the Mission
to arrange in an amicable
manner with the Government
at Yedo, the question which
has risen out of the disagreeable
incident which took place
at

at Yokohama with the Peruvian ship "Maria Luz" Mr. Garcia's mission is one of peace, and although the Govt had the purpose at first, that is to say before the incident came to their knowledge, to send the Legation accompanied by two men of war which would give it more prestage the Government gave up this idea in order to avoid doubts about its peaceful intentions.

The Legation intrusted to Captain Garcia needs them the support and co-operation which I have no doubt Your Excellency will please lend to it continuing in this way the

good

good offices which Your Excellency has exercised in favor of Peru near that Government in the case of the "Maria Luz" and in the transmission to this Department of the full and detailed facts which refer to it.

The Peruvian Government will always feel grateful both to the Government of the United States for the recommendation which in our favor they made to their Representative in Japan as also to Your Excellency for the solicitous care with which Your Excellency has acted on that recommendation.

Independent of this Mr. Garcia is likewise instructed to arrange with Your Excellency about-

about the expenses which Your Excellency has sent to this Department and any other matter referring to the service of Peru.

I avail myself of this opportunity to repeat to Your Excellency the expression of thanks of my Government and to offer once more to Your Excellency the assurances of my distinguished consideration and esteem

(Signed) J De la Riva Aguero

His Excellency

Mr. De Long

Minister of the United States in Japan

Copy
No 63 United States Legation
Yokohama Mar 2nd 1872

Sir

I have the honor to acknowledge the receipt of the dispatch from your Government dated the 21st of December last forwarded to me in your care.

I have carefully noted its contents and after first expressing my deep sense of gratification at learning that my course here whilst representing Peruvian interests has been approved; I beg to express my admiration for the kind consideration manifested in revoking the original intention of sending your Legation forth in vessells of war as soon as the "Maria Luz" complication became

became known to your Government.

I am also deeply gratified to learn by this dispatch that your mission is one of peace and that you bear with your instructions to adjust the "Maria Luz" business in an amicable manner. With such information before me I feel at liberty to answer you that it will be a great pleasure to me to aid you to negotiate a treaty of amity and Commerce with Japan and in establishing cordial relations with this Empire.

I congratulate your Excellency and the officers comprising your suite upon your safe arrival here. and I beg to express the hope that your mission may result in the greatest good to

your

of your own and also to this country.

In obedience to the verbal suggestion made to me yesterday by your Excellencys Secretary of Legation, Senor J. Federico Elmore I have now the honor to transmit to you herewith copy of a dispatch N° 218 of the 6th of October last addressed by me to your Government respecting the Nuevia Luz also a copy of my dispatch to your Government relative to the same subject N° 229 of the 3rd of last November (with eight enclosures) and my N° 131 of the 16th of last November (with eleven enclosures) also my No 18 of the 18th of last January (with two enclosures) and my No 48 of the 18th of last February ✓ also copy of a note from the acting

acting master of the "Maria Luz"
dated the 22nd of January communicating
an Inventory made by him of the
property on board the Barque,
and a list of certain other property
belonging to the Barque recovered
from the schooner "South Sea"
Also another communication from
the same source dated the 12th of
January last forwarding the expences
of that vessell for that month
This forms I believe a complete
history of all my correspondence
about this Barque which I
have conducted with all fronties
also it embodies a complete history
of all my correspondence with
your Government and all of my
correspondence with this on behalf
of Peruvian interests which had

not

not reached Lima prior to our
departure. It also exhibits
a complete account of the property
found on board of the vessel ✓
when I assumed charge of her
and also an account in full of
all expenses incurred under my
direction in paying off the crew
and maintaining possession of
the Barque. I beg leave in
conclusion to request Your Excellency
to extend an early examination
into the accounts of this ship
as presented and I also beg to
advise you that it is my desire
to speedily transfer its custody
into your hands

Ex. H.B.M. I have the honor to remain
Aurelio Garcia Sir Your most Obt Svt.
Con Ex & Min Plen
of Peru to China & Japan C E Delong

(Copy of Translation)

N°1. Yedo March 4th 1873

Sir

I have the honor to inform Your Excellency that having arrived in this Empire appointed by His Excellency the President of the Republic of Peru as Envoy Extraordinary and Minister Plenipotentiary. I was received yesterday, together with all the members of my Legation, by His Majesty the Tenno in a public audience.

On communicating to Y. E this event, it is very gratifying to me to express to Y.E. the honor I feel in forming part of so distinguished a Body as the Diplomatic Corps accredited to this Court.

I

I avail myself of this first opportunity to offer. G.C. the assurances of the high and distinguished consideration with which I have the honor to be.

Your Excellency's

Most obedient Servant.

(signed) Aurelia G. y Garcia

His Excellency C.E. Deborg

Env Ext and Minr Plen of US. in Japan

A true translation

J. Frederico Gilmore.

Secretary Peruvian Legation

Lopez Barcia's address 5

Sire

Great is the honor which I feel at this moment on presenting myself before Your Majesty as the first Envoy accredited by my country, the Republic of Peru at the Court of the ancient Empire of Japan ruled today by so wise and prudent a Monarch as yourself Majesty who is executing in this magnificent country, with the general applause the most extraordinary and transcendental reforms.

The kind reception and courteous hospitality which Your Majestys Government has mi so spontaneous and delicate a manner shown me, will be most highly appreciated by the nation whom I represent-

represent and have created in me the profoundest gratitude, the public expression of which I regard as one of my first and most important duties.

I have been entrusted in a very especial manner by His Excellency the President of Peru to express to Your Majesty how earnest is the interest he feels in the development of the relations which always should exist between the countries separated as they are by an ocean of easy navigation and both of them abounding in valuable and distant productions. Through the advantages of a mutual ~~intercourse~~, mutual prosperity would be attained if minded it was based on acts of justice as indeed with profound faith will be expected of your Majesty who in such high

high degree possesses that preeminent
virtue. That a long and peaceful
life may permit Your Majesty to
carry out to their complete
termination the progressive and liberal
measures which have been decreed.
are my earnest hopes, at the time
that I place in Your Majesty's august
hands the letter of credence by
which His Excellency President Pardo
appoints me Envoy Extraordinary and
Minister Plenipotentiary of Peru
near your Majesty. It only
remains for me to assure Your Majesty
that frankness and good faith
will be my only guides and with
them I am sure of finding in
your Majesty the best helper to
fix on lasting basis the relations
of

of all kinds between Peru & Japan.

A true translation

J. Frederick Elmore

Secretary Peruvian Legation

H. M. the Mikado's address.

Copy of Translation

Royal Reply

To the Envoy Extraordinary

and Minister Plenipotentiary of Peru

We are highly gratified

that your Sir have come hither

as Envoy Extraordinary & Minister

Plenipotentiary from his Excellency

the President of Peru. bearing

credentials from the same with

the expressed desire that the friendship

between both countries may be

closer drawn.

It is not to be doubted. Sir's

that your ability will enable you

to sustain the duty entrusted, and

accomplish the desire of the President

be prospered and the friendly relations

between both countries may be lasting.

3rd month 6 year

of

of the Illustrious reign.

(Meiji)

Copy of Translation

I to

Yedo March 3-4th 1873

N°2.

Sir

It is with the greatest satisfaction that I have received Y. Es. esteemed communication dated 2nd March 1873 accompanied by numerous enclosures, which form Y.E. states a complete history of all Y. Es. & correspondence about the bark. "Maria Luz" conducted by Y.E. with all parties; embodying also a complete history of all Y. Es. correspondence with the Peruvian and Japanese Governments, on behalf of Peruvian interests, subsequently to my departure from Siina; exhibiting likewise, Y.E. adds a complete account of the property found on board of the vessel when Y. E. assumed charge of her; as also

an

an account in full of all expenses incurred under Y. Es direction in paying off the crew and maintaining the possession of the bark.

I am sincerely obliged to Y. E. for the kind words which Y. E employes in congratulating me and the members of my Legation upon our safe arrival here. I also thank Y. E. for the amiable offer which Y. E. makes to aid me in my efforts to negotiate a treaty with Japan and in establishing cordial relations with this Empire.

By the first mail I shall inform my Government both of the contents of the dispatch which I have the honor to answer, and of the friendly action and good offices which with so much kindness have been lent me by Y. E even before I landed at the port of

of Yokohama. I have also read with equal pleasure E. Es. favorable opinion about the objects of the present Mission and the manner it finally came to this country on account of the original intention of sending it forth on board of vessels of war having been revoked.

The accounts of the "Maria Luz" shall be paid without delay in conformity with the documents which E. E. has forwarded to me as soon as E. E. may see fit. In conclusion I beg E. E. to please wait a few days more in order to come to a final resolution about what is to be done with the said ship

I avail myself of this new opportunity to repeat to E. E. the assurances of my particular esteem and of my most distinguished consideration.-

(Signed)

(signed) Aurelio G. y Garcia

His Excellency C.E. Delong.

Envoy Ex & Min Plen. of U.S. of America

A true translation

J. Frederico Elmore

Secretary Peruvian Legation

N° 3 Yedo March 6th 1873

Sir.

It has come to my knowledge and is publicly known that some years ago the Japanese Government signed an agreement with the Representatives of the Treaty Powers. in virtue of which the citizens and subjects of non-treaty powers when coming under the jurisdiction of Japanese courts would be tried only by a Court composed in a certain particular manner agreed upon

Afterwards the Government of Japan wishing to annul that agreement asked that it might be amended, in consequence of which, a new convention has been signed on the subject

subject, by this Government with the Foreign Diplomatic Agents present at the time.

Having arrived in this country after the events referred to had transpired it would be very interesting to me to possess a copy of the documents and correspondence upon this matter and I would be exceedingly thankful to Your Excellency if your Excellency would oblige me by furnishing me with a copy of them.

I have the honor to be Your. Excellency's most obedient servant

(Signed) Aurelio F. y Garcia

A true translation

J. Fredrico Elmore

Secretary Peruvian Legation

Copy

No 66 U.S. Legation Japan

March 8th. 1893

Sir

Achnowledging the receipt of your Excellency's note of yesterdays date I have the honor mi reply to herewith forward the copies of documents as requested No1. Note from Minister of F. Affairs to C. E. DeLong. dated Sept. 12 1892 announcing the organization of a New Court for Kanagawa

No 2. C. E. Delong mi reply, same date calling attention to this action being mi violation of the Yokohama Municipal Convention.

No 3 Minister. mi reply Sept. 8th 1892 denying the existence of the Convention referred to and claiming the right. to organize the Court mi question as

they

they had done

No 4 C. E. De Long in reply affirming the existence of the Convention and calling for express recognition or repudiation of the same.

No 5. Minister in reply expressly repudiating the same.

No 6 De Long in reply expressing his regret and promising to report the correspondence to his Govt.

No 7 Japanese Ministers of date Oct 15th 1872 asking to renew the correspondence upon this subject.

No. 8. Jap. Ministers to Delong Jan 12th 1873 proposing an amendment to municipal Convention

No 9. Delong in reply assenting to the amendment with slight modification.

No 11. C. E. Delong Jan 29th 1873 to

Foreign

Foreign Representatives advising them
of the amendment proposed by the Jap
Govt and asking their views

No 12. Copy assent of Diplomatic Corps
as endorsed on original circular
letter.

No 13 C. C. Delong to Japn Ministers
Feb. 4th 1893 announcing the assent
obtained and assenting to same on
account of U.S. & Holland.

No 14. Japn. Government assenting to
the amendment formally.

No 15 C. C. Delong to U.S. Consul notifying
the amendment as in force.

No 16 C. C. Delong to Japn Ministers
notifying this action Feb 16th 1893

No 17. Japn Ministers to R. B. Van Valkenburgh
U.S. Minister in Japan dated Dec 19th 1867.
assenting on part of Japn Government
to

to adoption of original Convention
No 18. Copy of Municipal Convention for
Yokohama adopted in Year 1864.

This your Excellency comprises
in my opinion a complete list
of the documents requested by you
which I trust will prove acceptable
and I beg you to command any
such further matter as you may
desire

I have the honor to remain
Sir
Your most obedient Servant
A Pahlberg

H. E.
Quetelio J. y. Garcia
Env. Ex. & Min Plen. of Peru in Japan

Copy & Translation

Foreign Office Lima 8 Nov 1872

I have the honor to acknowledge the receipt of Y.E.s letter dated 19th of August last- me which after calling my attention to a correspondence previously addressed to this Department which did not come to my cognizance you speak of the incidents that occurred at your port in connection with the Ships Cayatte and Maria Luz

Awaiting further communications from Y.E. particularly with regard to the latter of the said Ships and rendering you the fullest thanks for your officious intervention in favor of the affairs

of

of Peru.

I have the honor

to be to be

(&c.) T. De. la Rua Arguero

To

Hon C. E. De. Long.

Ms Minister in Japan

Copy of Translation

Foreign Office

Lima Peru 21 Nov. 1872

I have had the honor of receiving Y.E. important dispatch dated 5th of Sept. last by which you were pleased to make me acquainted with the proceedings of the Kincho against the Captain of the Peruvian ship "Maria Luz" enclosing at the same time copies of the judgment rendered by that tribunal and of some documents connected with that affair.

Although there had been received some notice in this Department of the unpleasant incidents that had arisen from the said ship being forced

forced to cast anchor in the the waters of Yokohama. H.E. dispatch by its official character & the importance accruing to it from H.E. eminent position was welcome to gratify my Government's urgent want of learning this affair from authentic and official data.

Whilst I beg to render my thanks to H.E. for the warm interest you have taken in the above mentioned incident; not only in forwarding us those data, but what is more still, in taking official action towards the Japanese Government with a view to being recognized as Minister of Peru, I am anxiously waiting

waiting for the answer which that Government will have made to your Excellency's letter on that subject.

Considering besides that there is no reason why the Japanese Government should be prevented from acknowledging U. C. since the representation of this country had been recommended to U. C. long before the "Maria Luz" affair; my Government is very well founded in interpreting that U. C. will have come in a position to be able in that emergency of giving the Republic the very important support of your cultivated opinion, of influencing the judgments and resolutions of the Japanese Government

Government.

At all events everything depending upon the kind support of H.E. and that of the Government of the U.S. by whom the management of Peruvian affairs was recommended to H.E. my Government expects that H.E. will soon have an opportunity of manifesting a favourable interest for Peru. I allude to the shortly expected arrival at Callao front of the Peruvian Legation which was ready to leave when the news of the "Maria Luz" affair reached here.

The main objects of the said Legation is to enter into relations of amity and compact treaties of commerce and navigation with

with China and Japan.

This Mission is absolutely one of peace and they carry the most equitable instructions in view of a friendly settlement of the difficulties which lately arose in Yokohama

My Government have no doubt that H.E. in accordance with the pacific recommendations of the Government of the U.S. will exert your influence with the Japanese Authorities not only to secure for the Commissioners Legation such a hearty reception as they are entitled to on account of their errand but also to see that due justice be done them in the case of the "Maria Luz".

Et

It is more than probable that by this time the voice of reason has made itself heard in the councils of the the Japanese Government

Considering the protest of the majority of the Consular body against the decision of the Kenseikai and the no less legitimate than effective influence which is morally exercised by the Representatives of the U.S. on the Japanese Government, a mere suggestion (indication) will perhaps be sufficient to induce them to do us justice. If this be so to happen one more motive will be added to those which Peru already has of being grateful to this United

United States

I have the honor

to be be be

(Exc.) F. de la Riva Aguero

To

Hon. C. E. De Long

U.S. Minister in Japan

Cable
No 48 United States Legation

February 18th 1893

To His Excellency

J. de Sa - Riva Aguero

Minister for Foreign Affairs

Lima Peru

Sir

I have the honor to acknowledge the receipt by last Mail of two dispatches from you dated respectively November 8th 1892 and November 21st 1892, both relating to the dispatch of an Legation from Peru to Japan and referring to the "Maria Luz" business.

After carefully perusing them I concluded that you must desire that I should indicate the views you entertained in relation to

to the "Maine Eng" matter and the nature of the instructions relative to that subject which your Embassy would come with.

Thinking it best to give your ideas in your own language rather than attempt to set them forth myself, I took your note of the 21st of November with me to the Foreign Office and advised the Minister that I had received two dispatches from Peru that I was aware that extravagant reports had been spread and obtained some credence, to the effect that Peru proposed to inaugurate hostilities which belief I thought it my duty to give him an early opportunity to deny; and

and at the same time I felt it to be also a duty to let him know that an adjustment of the "Maria Luz" affair was one of the matters of business with which he would have to deal with this Legation: therefore although not so directed to do by the Government of Peru, yet I felt that your Government would have no objection to my reading to him two passages occurring in your latest dispatch which I accordingly done

The phrases which I read to him are these in which you say.

"I allude to the shortly "expected arrival at your front of "the Peruvian Legation which was "ready to leave when the news of the

"the "Maria Luz" affair reached
here" and the following.

"The main object of the said
Legation is to enter into relations
of amity and compose Treaties
of Commerce and Navigation with
China and Japan. Their mission
is absolutely one of peace and they
bear the most equitable instruc
tions in view of a friendly settlement
of the difficulty which lately
arose in Yokohama.

For which act of foolishness
the Minister thanked me but
expressed no other sentiment

I sometimes fear that agent
may not be pleased with my
action in having done this,
but I assumed the responsibili
in order to quiet serious
apprehens

apprehensions that were arising in the minds of the Japanese: to keep this Government from becoming hostile and embittered in advance against Your Legation and at the same time to allow them to know that this matter was one of the things they should propose to arrange I sincerely hope I made no mistake by this action

I thank Your Excellency for your many kind and flattering assurances.

If my action has been of any benefit to your Government or to yourself, I feel amply repaid for any trouble it has caused me, by the knowledge that I have

been

been enabled to some slight extent to knit still closer the ties of friendship which binds my Government to yours and to assure your Excellency of my ready willingness to still further exert myself in the furtherance of establishing amicable relations between Peru and Japan

I have the honor to remain

Sir

Your most obedient Servt.

C. C. Pedroza

Copy to Treas
Dis to Apr 21
Dis to Apr 22 apd

Mr Bingham
Legation of Japan
Yokohama
Japan March 12th 1873

No 362

Hon

C C De Long

U S Minister

Contents.

Notice to Mariners

No 362 Legation of Yokohama

Japan March 12th 1873

Sir

I have the honor to enclose copy of Notice to Mariners received by me from this government on yesterday and to advise you that I have sent copies of the same this day to all Consular Officers in Japan

(Enclosure No 1)

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

Hon

Hamilton Fish

Secretary of State

Washington D C

Delegation Japan
to the Emp Minister

No=362

Dated March 12th 1873

On Enclosure

Notice to Mariners

Copy to Treasury 21

Dispatch 22 April

DEPARTMENT RECEIVED APR 21 1873 OF STATE.

Ask Mr. Bingham

No 363 Legation Japan

March 12th 1873

From

C C DeLong

Minister

Contents:

Relation to Jetties at the Port of

Nagasaki

No 363 U.S. Legation Yokohama

Japan March 12th 1873.

Sir

I have the honor to advise you of the receipt by me on the 1st inst of a dispatch from Consul Sisler at Nagasaki complaining of the action of the local authorities relative to Jetties in that Harbor and of their own action relative to sheds at the piers for the shelter of goods

(Enclosure No 1.) 1/363

To which communication I replied this day. (Enclosure No 2) 2/363

I have the honor to remain

Sir

Your obedient Servant

C E DeLong

Hon

Hamilton Fish

Secretary of State

Washington DC

Copy

No 24. United States Consulate

Nagasaki March 15th 1878

To His Excellency

Hon Chas E Delong

US Envoy Ex and Min Plen

Yokohama -

Sir

I have the honor to transmit herewith enclosed a plan of the Bund portion of Sagarenagi ourai and Decima, with the location of the five jetties for the use of the foreign community, and to call your Excellency's attention to the fact that by the present custom House regulations all merchandize must be inspected at Jetties Nos 1-2 and 5. That Jetty No 3 may be used for the landing of goods after they have been inspected at one of the above mentioned places of inspection

and

and Steel Jetty No 4 has been reduced in size and allowed for the use of passengers only, the shipment of goods being prohibited The Superintendent of Customs has intimated to the Consular Body that he will make a "further communication in reference to the removal of Jetty No 3," As to the state of water at low tides, I wish to call your attention to the fact that at Jetty No 2 Cays boats cannot approach nearer than four hundred feet except through a small channel and then not nearer than 350 to 40 feet to the landing place. This compelling Cays to lay at all times of exercise during low tides exposed until the next tide and then if the inspection is not completed lay till another

Tide

tide before they can get away.
Should this happen on a steamer day,
they is liable to be left behind, which
has been the case in a few instances
Jettys Nos 1 and 3 are nearly in
as bad a condition. The provisions of
the convention as to covered sheds for
the protection of cargo at these jetties
has also not yet carried out.
What is absolutely required for the
free and untrammeled facilities of
trade is the removal of the accumulated
mud at this place of landing so as
to allow at all stages of the water
safe boats to land and pass out
the opening of these jetties as called
for by the articles of the convention
and their perpetuity.
The Queen has twice grounded

to have the Consular steps opposite
Quai Cotte 50 Lafayette removed.
These steps were erected by Govt. Company
for the use of this Consulate to facilitate
the landing of the United States mails
and for the convenience of the U.S. Naval
officers. The Government permission for
the erection of the same having been
granted in the Fall of 1870 I consider
greater facilities for the mail service be
at the expense of 100 dollars built the
stone steps opposite the Consulate —
leading down to the same. I moved
that omit of the Government be acceded
to, the mails would have to be landed
at Jetty No 5. and would increase the
distance nearly four times the distance
or 1/3 of a mile more as you will
see by the plan marked in red ink.

I

I write thank Your Excellency to
give this matter your careful
attention, for should these improvements
be submitted to, the day is not far
distant when greater innovations
will be demanded upon the legal
rights of the foreign community
I have the honor to remain
Sir,
Your most obt Servant
Chas L. Fisher
Act U.S. Consul

Copy

No 73 US Legation Japan

March 12th 1873

Sir

Acknowledging the receipt of your No 24 of the 1st inst I beg leave in reply to advise you that I have received from this Government a promise to appoint some suitable person to meet with the Foreign Consuls at each Port with a view of adjusting Customs Regulations satisfactory in their character: and farther the same person will at your Port be authorized to adjust the question of Jetty's and Storm sheds in the mean time your Jetty's and steps will be left undisturbed

I remain

Sir

Sir

Your most obedient Servant

C E Delong

C. L. Tisdel Esq.

Acting US Consul

Nagasaki

Consulate Japan
C E de Long Esqr Bruxelles

No 363

Dated Branch 12th 1873

Has Received

Admiralty letter re

Megaenda

Adv
Ap 21
Ack 2

Mr Berdan

DEPARTMENT OF STATE
RECEIVED
APR
21
1873

Legation, Japan

March 13th 1873.

No 364

Sir

C C De Long

Minister

Contents.

Asst Mrs Pomyn's request to have her yearly land rents remitted by the Japanese Government.

No 364 Legation of Yokohama

March 13th 1873

Sir

I have the honor to advise you that on the 5th of last month I received a note from Mrs Mary Bryan requesting me to ask in her behalf from this government a remission of her yearly land rents upon the ground that she was conducting a school for Japanese day scholars

Enclosure No 1 1/364

That on the 7th inst I addressed the Japanese Authorities a note presenting the request of Mrs. Bryan and assigning any reasons why the same should be granted

(Enclosure No 2) 2/364

And on the same day I replied to

Hon Hamilton Fish Secretary of State Washington DC

Mrs

Mr Penyn advising him of my return.

3/364 (Enclosure No 3)

On the 12th of this month I received a note from this government advising me that the present acting Minister for Foreign Affairs would confer with me relative

4/364 to this matter. (Enclosure No 4)

Yesterday I met the Minister when a somewhat lengthy discussion of this subject ensued and that the Department of Education and also his Department were urging upon the Central government the propriety of thus aiding all foreign school movements whether the same were conducted by foreigners or japanese and having met with some opposition at the hands of the Finance Minister it would be some time before the matter would be determined but if

he

he should be sustained in his views the result would be that a general law upon the subject would be promulgated giving direct government support to Jpn schools.

Trusting to your approval

I have the honor to remain

Sir

Your Most obedient Servant

C C De Long

List of Enclosures

No 1. Mary Pruyn to C C de Long

No 2. C C de Long to Japanese Ministers

No 3. C C de Long to Mrs Mary Pruyn

No 4, Japanese Ministers to C C de Long

Hon C. E. Delong

Dear Sir

May I ask your aid in presenting to the proper authorities a petition for their consideration and decision.

Under the auspices of a Womans association of Americans, two ladies and myself have been endeavoring for about a year and a half to do something to promote the education of our own sex in this country.

We occupy now the building No 212 Bluff where we receive as boarders Japanese ladies & young girls who desire to learn foreign customs & manners as

as well as the english language.

We have purchased the lots 108 and adjoining our residence praying for them $700. On one of these we have erected a neat and pleasant School House, it has already proved too small and we are now engaged in building an addition.

We hope also at no distant day to erect also a large & fine building for boarding purposes. Our school now numbers nearly fifty and is constantly increasing.

Few of our scholars live in the family and even pay for their board the small sum of $10 per month but not one is charged anything for their tuition. Thus our school is in the fullest sense a Free School

Pow

Now in consideration of this:
the large expense for the purchase
of the lots the building of the School
and the support of our household
I ask if the Japanese Government
will not remit the annual rent of
the ground we have purchased
I ask this because in our own
country all benevolent and charitable
institutions are entirely free from
taxation of every kind and because
I feel sure the intelligent gentlemen
composing the Government of Japan
must appreciate our disinterested
motives in laboring for the
elevation of the women of Japan.
I leave it for you Dear Sir
to make my application and I am
encouraged to hope that it will
be

be granted once I learn how highly the members of the Embassy have been pleased with the disposition of the ladies in England to benefit their own countrywomen.

I am quite sure they will not be more indifferent to the practical sympathy demonstrated by me.

With respect

I am yours very truly

Mary Pruyn

Yokohama Feb 4th 1863.

Desp

No 12. Legation Japan

February 4th 1893.

Your Excellencies

The Minister for Foreign Affairs

Yedo

Your Excellencies

I have the honor to enclose for your consideration copy of a note received by me on yesterday from Mrs. Mary Bowyer an American lady resident at this place who in conjunction with other ladies has established and is now conducting here a free School for the education of Japanese young ladies. She respectfully asks that your Government may recognize and assist her in the effort she is

finishing

putting forth on behalf of the Japanese people to the effect of waiving the annual land rent of the lands which she has leased of the Japanese Government has suffered a great expense and is now using solely for educational purposes. The earnest and praiseworthy efforts which your Excellencies Government is putting forth to educate its people in foreign languages arts, sciences, and customs, convince me that your Excellencies will consider this matter as a very important one in point of principle although involving but a trifle of a pecuniary nature.

Whilst it may not be strictly within the lines of my privileges

as

as a Diplomatic Representative at your court to make any suggestions relative to the conduct of your domestic affairs, yet I feel that your Excellencies will pardon me for making a few suggestions upon the subject of education which concerns you so nearly. Your Government spends annually an immense sum of money in sending Japanese youths abroad to receive education whereas you have but one college and but very few private Schools in your Empire. Whilst it is very desirable that more or less of your people should visit foreign States yet as a rule in the education of your masses it would unquestionably

be

be more economical to bring teachers here than to send scholars abroad

The economical advantage being exactly in the same ratio as the number of scholars to that of teachers. The society of which this lady your petitioner is a Representative actuated by purely philanthropic ideas have dispatched this lady and her assistants to Siam for the purpose of assisting your Government without fee or reward in the noble effort of redeeming its people. If your Government would wisely recognise and assist this movement I venture the prediction that it would lead to the establishment of many other associations actuated by the same motives thus opening the

the door to the establishment of another system in aid of the general one your Government is pursuing.

It must always be more desirable to educate your ladies within your Empire than abroad for this purpose you will require experienced and skillful female teachers such as all these ladies who have now established this School Why would it not be well for your Government to recognise such associations as part of its educational system. Commencing with the school of Mrs. Bruyn recognise it by the donations in question and proceeding further with the consent of these ladies appoint a visiting superintendent making it his business to occasionally visit

visit the schools, examine the teachers as to fitness notice the progress the students are making, the treatment they receive and report the same to the Bureau of education of your Government. Should you conclude to do this I am satisfied that in a very short time, your would derive wonderful advantages arising from such a course, both pecuniary and educational advantages Should your Excellencies deem this subject one worthy of your attention I shall hold myself ready at all times to render any assistance that may be required in maturing any general plan of action and in bringing your proper officers into

into an acquaintance with the
officers of this and other similar
societies.

I have the honor to remain
Your most obedient Servant
C. C. Lestrange

Copy

No 36 United States Legation

Yokohama Feb 4th 1873.

Mrs Mary Lowyn

Madame

Your note of date 4th inst was received by me on yesterday and I have this day forwarded a copy of the same to the Minister for Foreign affairs with a note expressing my views upon the subject (Enc No 1) which I trust may have the effect of enlisting their earnest attention and possibly produce results beyond the attainment of the relief you have sought by your petition

I have the honor to remain

Your most obdt Servant

C E Delano

Copy of Translation

Foreign Office Tokei

2nd Month 6th year Meiji

Sir

I have the honor to acknowledge the receipt of your Excellencies dispatch dated the 7th instant stating that Mrs Mary Pruyn a teacher is desirous to relieve her from praying land sent upon the property which she has leased from the Government.

In reply I beg to say that Mr. Ueno Kagenori will convene with you about the matter.

With respect & consideration

Sagesima Saneomi

H.I.J. Ms Asst. for F.A.

To. H. E.

C. E. De Long.

Cor Ex & Asst. Clerk of

Ula. mi Japan

Legation of Japan
Washington

No 364

Dated March 13th 1873

Four Enclosures

Report of my proceedings
in aid of my
Progress to obtain a
cession of land suit
from the Japanese
Government.

DEPARTMENT
RECEIVED
APR
21
1873
OF STATE.

Ack Apr 21 ack 22 apl

Bm. Berdan

Legation Japan

March 13th 1873.

No 365

From

C. E. De Long

Minister

Contents.

Reporting proceedings relative to an application made by Mr Capt Jones relative to Seal and Otter fishing.

No 365 Delegation Johannes

Japan March 13th 1873

Sir

I have the honor to advise you that on the 25th of last month I received from Mr D. W. Wap Jones a note requesting me to present a Petition for Seal and Otter fishing

(Enclosure No 1) 1/365

That on the same day I addressed this government a note forwarding the same

(Enclosure No 2) 2/365

That on the 10th inst I received a reply from this government refusing to grant the privilege asked for (Enclosure No 3) 3/365

I have the honor to remain

Sir

Your Most obedient Servant

C E De Long

Hon Hamilton Fish

Secretary of State

Washington D C

List of Enclosures

No 1 D Wrap Jones to C C de Long

No 2. C C de Long to Japanese Minister

No 3. Japanese Minister to C C de Long

Copy

Yokohama Japan

Feb 24th 1873.

H. E. C. E. De Long.

Minr Plen & Em. Ex. of the U.S. a

in Japan.

Sir

The undersigned a citizen of the United States is a member of a company which has been recently formed in Santa Barbara California with a cash capital of two hundred thousand dollars ($200.000) and of which he is the representative in Japan.

The object of this company is to obtain the privilege of taking capturing and appropriating the animals known as the seal and sea otter found upon the coast and Islands of Japan.

If such exclusive privileges can be

be guaranteed to this company for a term of years, the undersigned is authorized to make the following propositions

1st That the vessels employed in hunting and capturing of the above mentioned marine animals shall be under the Japanese flag navigated so engaged.

2nd That the said vessels shall clear from the port of Hakodate or any other port that the Japanese Government may designate

3rd That the said vessels shall return to the port from whence they cleared for inspection.

4th That the Books and cargoes of said vessels shall be open to the examination of all duly authorized Japanese officials

5th That the company will pay to the Japanese Government or their properly authorized officials one sixth part of the net proceeds of such ventures in cash or kind at the expiration of each and every voyage

If your Excellency will be pleased to refer this proposition to the proper Department of the Japanese Government and ask for it a respectful consideration. your will confer a favor upon

Your most obdt. Servant

D. N. Ofs. Jones

Copy

No 23. U.S. Legation Japan

February 26th 1873

Their Excellencies

The Ministers for Foreign Affairs

Yedo

Your Excellencies

I have the honor to forward herewith copy of a note addressed to me by Mr. D. N. Ofp. Jones on behalf of himself and others who desire to obtain from your Government a special and exclusive permit for a term of years to hunt and kill seals and sea otters upon the coasts of the possessions of your Government north of Yezo.

The enclosure makes known their wishes quite fully and if agreeable to your Excellencies I would be

pleased

pleased to have you grant Mr.
Ogden Jones an interview at which
time he will proceed more fully
to explain his views and wishes.

I have the honor to remain

Sir

Your most obdt. Servt.

C. C. Delong

Copy of Translation

Department for Foreign Affairs

Tokei 10th 3rd month 6th year

of Meiji

Sir

I have the honor to acknowledge the receipt of your Excellency's note with the date of the 20th Inst. addressed to the Minister for Foreign Affairs together with a letter from Mr. D. W. Op Jones. a citizen of the United States who desires to obtain from our Government official and exclusive permission to hunt and kill Seals and Sea Otters upon the coasts north of Yesso in possession of our Government.

In reply I beg that you will communicate to Mr. Jones that as the natives in that region

region themselves hunt the said animals which are of the utmost importance to them no such permission as he asks for can be given to any foreigner.

With respect & consideration

(by) Ukyeno Kagenori
Gamin Shogun

To H. E.
C. E. Delong.
Env. Ex. & Min. Plen.
of the United States

Bill of sale in Japan
to C. E. Delong Esquire

No 365

dated March 13 1873

3 Enclosures -

Application for
Passport about
to leave Japan
& Letter Perkins

Ark 22 apl

Mr. Bodman

Legation Japan

March 13th 1873

No 366

Sirs

Edo Sung

Minister

Contents

Has presented Model of a Turret Ship for S. H. Park to Japanese Authorities. requests reply & presents in return and forwarded the same.

No 366 U.S. Legation Yokohama

Japan March 15th 1873.

Sir

I have the honor to advise you that on the 1st of July 1872. I received a Note from Mr Samuel H Pook Esq. (Enclosure No 1) requesting me to receive and present for him to the Japanese Government a box containing a Model of a Screw Ship. which I did receive and brought with me to Japan 1/366

After my arrival I addressed the Minister for Foreign Affairs a Note (Enclosure No 2) enclosing him the box and making known Mr Pooks wishes about the same 2/366

To this I received a reply

Hon Hamilton Fish

Secretary of State

Washington D C

on

on the 22d of September last (Enclosure
3/36 No 3) containing an Enclosure
4/36 (Enclosure No 4) and also accompanied
by a box containing some specimens of
porcelain for Mrs Polk which I forwarded
at once to him with a communication
5/36 (Enclosure No 5)

I should have communicated this matter
to you but deeming it to be quite unimportant
did not do so. Now however having received
from Mr Perry disapproval of my conduct in
having obtained permission for Dr J C
Hepburn to present a Bible to His Majesty
I feel I may have erred in this matter
also and I hasten to acquaint you
with my proceedings.

I have the honor to remain

Sir

Your Most Obedient Servant

O C De Long

List of Enclosures

No 1. Samuel H Pook to C E de Long

No 2. C E de Long to Japanese Ministers

No 3. Reply of Japanese Ministers

No 4. Enclosure with reply

No 5. C E de Long & Mr Pook. Answering reply and presents from this Govt

Copy

Navy Yard Mare Island
Cal. July 13th 1872.

Sir

I would respectfully submit to you a design for an Iron Clad Turret Ship which I beg you will present for me to the Navy Department of the Empire of Japan with the hope that upon examination it may meet one of the wants of their Navy. Should the design meet with their approval I am prepared to vary it to a smaller Ship; and also to furnish detailed drawings and specifications for all the parts and also to build such a ship. Hoping for your favorable consideration.

I am sir with respect &c

Hon C.E. Delong
U.S. Minister to Japan

Sam'l H. Cook
Naval constructor U.S.N.

Copy

No 98. US Legation Japan

August 14th 1892

Your Excellencies

I beg leave to enclose a copy of a letter received by me from Samuel H. Cook Esq. Naval Constructor of the United States Navy a very eminent and profecent constructor of vessels of war.

Mr. Cook has also forwarded to be by me presented to the Naval Department of Japan a wooden model of a Turret Ship it is contained in a box about six feet long and two wide and with this there is also a complete set of drawings with a complete explanation of the advantages of this class of war vessels.

Mr.

Mr. Cook in presenting this model and these plans and drawings to your Navy Department has authorized me to advise your Government of his readiness to undertake the construction of one or more vessels of war for you if so desired.

Will your Excellencies please advise the officers of your Navy Department of these matters and request them in my name to send a messenger for the model and plans.

I have the honour &c

A Celebrony

Their Excellencies

The Ministers for F. A

Copy of Translation

Foreign Office

Tokei 17th of 8th Month

of 5th year Meiji

Sir

I have the honor to inform your Excellency that the authorities of our Navy Department are much gratified that Mr. Samuel H. Cook an experienced Naval constructor of your country has had the kindness to send to them a wooden model of a Turret Ship.

It will serve as a pattern for constructing ships and will aid us to improve in the art of ship building

I send you offerings as are shown in the accompanying list for Mr. Samuel H. Cook

in

mi return for his kind act
and I beg you to take the
trouble of forwarding them to
him

With respect & consideration

Sagesburo Tanoomi

H.I.J. Ams. Minister for F.A.

& H.E.

E E Delong

Cm. Ex. & Mi Plen

of USA in Japan

Copy of Translation of Enclosure

List

1 Pair of porcelain flower vases. (Hozen ware)

1 Sett of Chachi (Porcelain utensils

for preparing powered tea Hozen ware)

1 Satsuma ware porcelain Cover

2 Satsuma ware porcelain water pitchers

Copy

No 113 Uraga Japan

September 22nd 1872

Sir

I have the honor to advise you that agreeable to my promise I brought with me here and presented in your name to the Navy Department of this Empire the model of a Turret-Ship you delivered to me with its accompanying plans drawings explanations &c.

At the same time advising this Government fully as to your occupation qualifications &c (Enclosure No 1)

This morning in reply to my communication I have received a note from the Minister for Foreign Affairs (Enclosure No 2) accompanied by a list of some articles presented to you in return (Enclosure No 3) also by a box

containing

containing said articles which I forward by Pacific Mail S.S. Co.

Presuming that you may feel interested to have them I send you enclosed the original Japanese letter and list with translations of the same. The articles presented to you are Japanese very choice of their kind and they are of such kind as the Emperor himself presents to all times to Ministers and others. Trusting that I may have merited your commission in a manner satisfactory to you.

I remain Sir

Your most obedt Svt.

C. E. Delong.

Samuel H. Cook Esqr

Navy Yard Mare Island Cal.

Ack. A very satisfactory point to have been allowed

Ack. Apl 25

U.S. Legation Japan R.R.

March 14 1873

No 367

Hon

W.H. DeLong

Minister

Contents

Forwarding copy of memorandum in relation to Christian toleration

E.V.

No 367 Legation Yokohama

Japan March 14th 1873

Sir

I have the honor to advise you that immediately after the departure of my Italian colleague I called upon Mr Soyeshima Sanenmi then Minister for Foreign affairs and requested him to advise me as the dean of the Diplomatic Corps very fully in regard to the question of religious toleration that I might thoroughly understand what this government had done and what it intended to do.

The Minister at once handed me a carefully prepared Memorandum explaining the action which had been taken. (Enclosure No 1) and then stated to me substantially as follows. I have urged upon my government

1/367

Hon Hamilton Fish

Sec'tary of State

Washington D C

the view that by persecuting our people who profess Christianity we imitate our offended the great nations of the earth with whom we hold treaty relations and whose good will we are endeavoring in other ways to foster, since by such action we are to a certain extent working against ourselves, beyond this we find that we do not eradicate this belief not even from the heart of the person who when undergoing punishment makes a recantation of his faith for we find such person when secure in person returning to his former practices. Let us then change the punishment and efforts of our religion with the education of such people in our form of religion and trust to that course to effect the desired reform. By pursuing this course all cause of irritation will be removed, personal suffering will be saved

shed and success will be met with just-
as surely as that truth must triumph
over error. Acting upon counsels of
this nature received not alone from in
this government has been influenced to
take this step which I sincerely trust
will give satisfaction to ~~our~~ foreign
friends.

In reply I stated that the Christian
world would rejoice for the promotion
of its faith any other advantages than
would be given to it by allowing its
disciples and teachers to have a fair field
in which to operate. That if this reform
as I understood it was fairly carried
out. that is if the native was allowed
fully to consult with whom he pleased
and believe and practice whatever faith
should become his that the Christian

States

would unquestionably be perfectly satisfied

I then turned the conversation upon the purposes of this government in relation to those of its people who had been banished on account of their profession of Christianity and in response to my enquiries the Minister assured me that it was ordered that every person within a few weeks they should all be returned to their homes and restored to their estates.

Thus this matter rests at present— a conclusion which I think must prove highly satisfactory to yourself and the world at large.

Acting under your instructions as I understood them I have put forth every proper effort in my power during my time of office to achieve this result and in this

this effort I have never found myself in advance of my Honorable Colleagues. We have all united with a will and a steady purpose to succeed, and we all unite in the achievement of this triumph.

Trusting to your kind approval

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

Copy

Foreign Department

2c 4 of 2nd Month 6th Meiji

Memorandum

Sir

I have to communicate the following for your information.

Considering that there has been something not worthy of propriety against Foreigners in regard to our subject who believed the christianism our government has in last summer notified the chief authorities of every province that hereafter the Japanese christian shall not be arrested and they should be treated in a liberal way.

Again with the same consideration as aforesaid our government has now concluded to remove the edict boards on which religious prohibition was written.

To H.E.
Edesong
&c &c &c

Sgd. Tarenori

C. Fish Esq Minister

No 367.

Dated March 14 1873

One Enclosure

Chinchas Islands

DEPARTMENT OF STATE
RECEIVED
APR
21
1873

Ack^d

Abbreviate

Mr. Bingham

Legation Japan

March 15 1873

No 368

From

Chas. De Long

Minister

Contents.

About permit for Fleming bein illegally

charged thro P.M.S.S.Co. at Kobe by the

Japanese Authorities. The above

Corrected.

No 368 Legation Yokohama

Japan March 15 1873

Sir

I have the honor to advise you that on the 14th of October last I received from Daniel Turner Esq Consul at Kobe a dispatch with five enclosures setting forth that the Japanese Customs Authorities at that port charged the Pacific Mail S S Co's shipping a permit-fee of three Co's. in contravention of our treaty and the trade regulations.

(Enclosure No 1) 96

On the 16th of October I addressed this Government a Note submitting copies of the correspondence which I have now Hamilton Fish passed

Secretary of State

Washington D C

passed between the Consul and the local
authorities also copy of the Consuls Note
2/5/68 to me (Enclosure No 2)

I promptly wrote that time I have
called the Ministers attention to the business
and requested a reply but on each occasion
he has advised me that it has so far been
impossible for him to convene the
Jamaica Ministry of the pressure of my
request and thus the matter remained
until yesterday when I received a
Note from him advising me of the
settlement of the business to my
3/5/68 satisfaction (Enclosure No 3)

which I at once sent to our Consul
4/5/68 (Enclosure No 4)

I have the honor to remain

Sir

Your Most obedient Servant

O. E. D. Long

List of Enclosures

No. 1. Daniel Inman to C & E de Long
with 5 Enclosures.

" 2. C & E de Long to Japanese Minister

" 3. Japanese Minister to de Long
in reply.

" 4 C & E de Long to Daniel Inman

Copy.

No 113 U S Consulate

Hiogo Oct. 11th 1872.

Sir

I have the honor to hand you herewith copy of a complaint filed in this office by the Agent of the P. M. S. S. Co marked A. No 1 setting forth that the Customs Department have recently put in force illegal and arbitrary measures which discriminate very decidedly against the interests of this Company and in favor of native coasting trade: which if allowed to continue would ultimately result in throwing the bulk of or the entire trade now controlled by the P. M. S. S. Co into other hands

I have further to transmit

copies

of correspondence between myself and the Act Commissioner of Customs marked respectively Enclosures Nos 2 3 4 & 5 Enclosure No 3 in answer to my letter of transmittal distinctly acknowledges the illegal charge of a fee for permits (to native merchants) to ship via the P. M. S. S. Co and avoiding in a marked manner the subject of further discrimination which is clearly set forth in the complaint in fact go so far as to state that the custom has been established at the front of Yokohama for a length of time and having been put in force at this Port (by what authority is not stated) cannot be altered by any authority here and suggesting that should

5

I held different ideas upon the subject that there would be no other address for me in the interests of my countrymen than to lay the matter before Your Excellency to which letter I promptly replied enclosure no 4 expressing my surprise at the acknowledgment and protesting against a continuation of this breach of the Treaty and further calling his attention to the remainder of the complaint which had been furnished (with afforement intent) entirely overlooked; for his reply I respectfully refer you to enclosure No 5. by which it becomes evident that a further correspondence upon the subject would be of no avail

The illegality of charging a fee for

for permits is so perfectly plain that it does not require a comment.

In omitting to reply to the further complaint of undue requirements which Mode is to be shipped via the P.M.S.S. co we may express they tacitly acknowledge such requirements exist.

That the Glen makers of the Treaty ever intended that such a construction of trade should exist I cannot believe and in referring the subject to your Excellency I believe there will be little difficulty in effecting its speedy settlement.

I have the honor to be

Sir Your Most Obt Servt

Daniel Turner

Hon H. E. US Consul

C. C. DeSeng

Hon Col Wm Plum

of Mosa via Batavia

Copy

Agency L. M. S. & B. Co.

Hiogo Sept. 7th 1872.

Daniel Turner.

U.S. Consul

Hiogo

Sir

Referring to our recent conversation on the subject I now beg to lay before you the facts connected with the complaint I have to make against the Japanese Authorities

Heretofore it has been the custom when merchandise was shipped from this port to Yokohama or Nagasaki to apply at the Custom House for a permit to ship the goods and this being exacted no duty was exacted but in lieu of this a certificate was issued to be forwarded to Port of destination of the goods there

to

to be duly certified to by the Customs House Authorities that the goods had been landed. Sixty days were allowed within which to produce this certificate at the port of shipment & on production of same duly certified all bonds to be held against the goods were cancelled

An order has recently been put into execution by the Custom House authorities at this port discriminating against our Steamers in favor of Japanese vessels which if allowed to remain in force cannot fail to ruin the business of the former and throw it into the hands of the latter. All Japanese now taking out permits to ship goods by our Steamers for the Coast ports of Japan are compelled to pay 3 taxes for each permit Also export duty on

Silver

Silver bonds has to be fixed on the goods before shipment and a landing certificate issued.

When the landing certificate duly certified is returned from port of destination the export duty is refunded to the shippers. When a Japanese ships goods by a Japanese Steamer however he has neither to pray anything for the permit or to prepare the duty all business with these Steamers being conducted on the old basis as mentioned in the first part of this letter.

The trouble & inconvenience and annoying delays & vexations which Japanese shippers by our Steamers are put to in apparent and in my opinion the sole object of this order is to

thereby

throw the business from our hands into those of the Japanese Steamers by unfair and arbitrary means.

I beg that you will do all in your power to have these exactions removed. Already the Company has lost a great deal of freight by the enforcement of these unjust measures and all of our Japanese Shippers inform me that unless something can be done speedily these restrictions can be removed they will be compelled to withdraw all Shipments by our Steamers and ship their freight by Japanese Steamers.

I am Sir

Your obt Servant

Sgd A. Center

Agent

Copy

No 79. U. S Consulate

Hiogo Sept 7th 1872

Sir

I have the honor to call your attention to to a very grave complaint laid before me this day by the Agent of the P. M. S. S. Co. a copy of which I hand you herewith from which it would appear that the Customs Department at this port has of late adopted stringent measures for the shipment of Mdse from this to other open ports in this Empire which discriminate very decidedly in favor of Japanese Steamers and directly against the interests of the P. M. S. S. Co and other American Shipping, in fact against all foreign shipping.

I

I have no desire to intrude upon or interfere with the reasonable rules of the Customs Department outside of Treaty stipulations but must most seriously protest against any regulation of that Department which discriminates in favor of one class of shipping to the disadvantage of others. It is perfectly well known that Japanese freight vessels both Steamers and Sailing have already advantages which Europeans have not and the further interference of the authorities in their interests if it really is so is not only irregular unjust and arbitrary in the extreme but calculated to do great damage to foreign shipping dependant upon the patronage of Merchants doing

business

at this port.

I shall expect that the same advantages given Japanese vessels at this port be allowed American Steamers and shall look for assurances to that effect from the Customs Department at an early date.

I have the honor to be

Sir

Your obedient Servant

Daniel Turner

To Consul,

Kotow Late Com. Exp.

Asst Commissioner of Customs Kobe

Copy

No 19. Western Custom House

Kobe 14th day 8th mo. 3rd year

of Meiji

Copy of Translation

To

D. Turner Esqr.

US Consul Hiogo

Sir

In reply to the contents of your letter dated 7th day of Sept. 1872, I have the honor to inform you that it is now put in force at this port that the Japanese shall be made to pay to the Custom House a fee for permit when they apply to ship goods on board the foreign vessels, but it is not put in force for the purpose of putting the foreign vessels to the inconvenience of this shipping

business

business and that at this port it has been commenced according to the Regulations at the Customs House in the port of Yokohama where it is since many years past in force without any complaint or grievances being made by the treaty Ministers and Consuls there

If you however have any different idea of this I beg to say that there would be no other means than you will report the matter to His Excellency your Minister because I cannot put a stop to the same in my power under such circumstances as above stated.

With compliments

Katsuo Sato Omi

Asst comm. of Customs Kobe

Kobe

Copy

No. 91 U S Consulate

Hiogo Sept: 20th 1872

Sir

I have the honor to acknowledge the receipt of your communication in answer to my letter of the 4th inst and note with surprise that you acknowledge having enforced payment of a fee by Japanese Merchants for permits to ship and discharge Cargoes from and to American vessels such a proceeding is in direct violation of several treaties and Conventions entered into between the Japanese and foreign Governments provided that no fee shall be charged for permits to ship or discharge cargoes in or from foreign

vessels

vessels and clearly refers to all cargoes whether shipped by Japanese or foreign Merchants, the fact that this error has existed in Yokohama for a length of time does not in any way justify you in putting it in practice at this Port: and I protest again protest against the continuation of its enforcement here. I call your attention to my letter of the 24th inst and its enclosures which were only answered in part.

For more particular information in reference to permits to land and ship cargoes I refer you to Article III Page 108 and Article VI page 197 Book of treaties and conventions between Japan and foreign nations

I have the honor to b

Sir

Sir

Your most Obdt. Svt.

(Sgd) Daniel Turner

U S Consul

To

Katow Late Russ Empr.

Asst Commrs of Customs

Copy

No 23. Western Customs House

Kobe. 24th day 8th mo. 5th year

of Meiji

Copy of Translation.

To

Daniel Turner.

US Consul Kobe.

Sir

I am in receipt of your letter No 91 informing me again in the matter that the Japanese shall be enforced to pay the permit fee to the Customs House and referring me to the treaties and conventions.

I had the honor to send you my letter other day in answer to your last letter concerning the same matter.

It is said in the treaties and Conventions that the permit fee shall not be acquired, which

which means that the permit-fee shall not be required from the foreigner only. I then see that it is not referring the Treaties & Conventions that the Japanese shall be enforced to pay the permit fee to the Customs House. In conclusion I beg to inform you that although you have stated me that I answered you in front to your last letter and you called my attention to it yet I have no other explanations than I have stated in my last letter and that I have not the power to annul the rule to enforce the Japanese to pay the permit-fee to the Customs House.

With compliments

Katow Sotaro

Asst Comm. of Customs

Dafs

No 120 U.S. Legation Japan

October 16th 1872

Their Excellencies

The Ministers for Foreign Affairs

Yedo Saiwan.

Your Excellencies

I have the honor to forward for your information herewith copies of some correspondence that has passed between the American Consul at Kobe with agent Custom House officers at the same place in which the Consul called the Customs officers attention to the fact that in direct violation of the existing trade Regulations they the Customs officers were charging Japanese shippers of freight on the P M S.S. Co Steamers a fee of three boos for each permit issued authorizing the

the shipment of goods from one port in Japan to another and also compelling fragmentary shipments of export and import duties in silver base an old coin of this nation long since called in from circulation by your government and now almost unobtainable. The subject of this complaint is very fully set forth in the letter of Mr. Penter the Agent of the P. Mission to the Consul (Enclosure No 1).

And Mr Turner in his note to your Customs officers referred them to the existing provisions in the Treaties and Trade Regulations of which their actions is clearly violative ..to wit Article Third page 188 and Article Six page 197 of bound volume of Treaties & Conventions between Japan and foreign

nations

matters. In reply your officers admitted they were fully aware the cause charged and made no attempt to excuse themselves for this violation of the Regulations save that a similar wrong was being practiced by the Customs Authorities in Yokohama and they refused to act differently unless directed to do so by their superior officers (See enclosures 2 3 & 4)

I therefore call attention of my statement made to you personally relative to this matter on yesterday have now the honor formally to lay this matter before you and respectfully ask that instructions at once be given to correct this abuse.

I have the honor &c

C. C. Jessup

Copy of Translation

Department for Foreign Affairs

Tokio the 15th 9mo 6th Meiji

To Your Excellency

I have the honor to inform your Excellency that when the Japanese Merchant vessels ships the goods from one open port of Japan to another via a foreign mail Steamer the fee for Customs permit for the same shall not hereafter be levied

This is brought under your Excellency's notice for your Excellency communicated via ni the 16th Oct last on the subject

With respect & consideration

Ueyno Kagenori

2nd Asst Min for F. A.

To H E. [illegible]

H E De Long

&c &c & Min Plen

of USA on Japan

Page 2

No 77 U. S. Legation

Japan Mar 14th 1873

Sir

Referring to your despatch No 115 of date the 11th of October last with its enclosures I beg leave to advise you that at once upon its receipt I laid the subject of the illegal action of the Customs officials at Kobe in charging native shippers of goods by the P.M.S.S.Co Steamers before this Government and requested instructions against such actions in the future. The Minister for Foreign Affairs has been decidedly of the opinion from the outset that this fee was an illegal one but but until now have been unable to convince the Minister of Finance

H

of this fact and consequently this delay has been occasioned.

At last however the Finance Minister has yielded his assent to our views and this morning I received a note from the Foreign Minister advising me of instructions having been issued discontinuing the collection of permit fees in the future (Encl 1)

Of this please notify the Agent of the Pcn. S.S. Co at Osaka Port.

I have the honor to remain

Sir

Your most Obdt. Svt

C.E. DeLong

Daniel Turner Esq.

U.S Consul Kobe Japan

Mr. Burlingame Ask and say that Mr. Mayhew has been instructed to make inquiries of Italian government on subject. JC.

No 849. United States Legation in Japan

Yokohama March 15. 1873

From

C. E. De Long

United States Minister

Acknd as above 4th May

Contents.

Proposes Convention between Italy and Japan relative to the opening of this Empire to the free circulation of Foreigners. Continuation of my advices contained in my No 849.

No 349. United States Legation in Japan

Yokohama March 15. 1873

Sir

In continuation of the advices contained in my No 349. relative to the proposed action of this Government in admitting Foreigners to visit the interior, I beg leave to advise you that at a meeting of the Diplomatic Corps held after the Italian Minister's departure it was found that we could not agree in our recollections of what he said to us upon this subject. I was therefore requested as Dean

Hon. Hamilton Fish

Secretary of State

Washington D.C.

of

of the Corps to call upon Mr Goyeshima and learn the exact facts relative to what had passed on this subject between himself and the Italian Minister.

A few days prior to this, however, I had been requested by my Colleagues to address a note to Mr Goyeshima asking for a meeting to frame a Convention upon this subject. which I did

1/369 (Enclosure to 1)

Meeting Mr Goyeshima a day or two afterwards he informed me that he could see no good reasons for holding such a Convention. That, as he was very much engaged, he would

like

like to have the matter deferred until his return from China; and at his instance I undertook to obtain the consent of my Colleagues to such delay.

To effect this purpose, I communicated to my Colleagues, a brief note making known Mr Soyeshima's wish, and asking an expression of their views.

My Colleague from Russia, in expressing his assent thereto, qualified it by the proviso that in the meantime nothing should be put in force relative to Italians; upon the receipt of which, I at once called upon Mr Soyeshima, and asked him

if

If I could give any Russian Colleague the assurance which he desired: to which he replied in the negative, adding in explanation that this proposal had come from the Italian Minister. That it had been considered and assented to by his Government, and by agreement, was to become immediately operative, whenever the assent of the Italian Government thereto was received. which might occur during his absence in China, hence he could not give the promise I asked.

These matters being reported by me to my Colleagues, formed another inducement leading them to

request

request me to obtain definite
information as to what transpired
between the Italian and
Japanese Ministers.
I accordingly called upon Mr
Soyeshima, and requested him
to furnish me with complete
and accurate information on
the subject: - he said he would
do so, and to that end would
forward me the proposal as
submitted to him by the Italian
Minister. Accordingly on the
26th of last month, I received a
note from him (Enclosure No 2)
enclosing the proposal in
question. It was written in
the French language, and
very

2/369

very imperfect in its nature — so much so, that the translations of it into English, differed considerably, when made by different persons.

I enclose copy of the translation made by my British Colleague.

3/369 (Enclosure No 3)

This proposal as you will observe, forms a complete surrender of extra-territorial rights, in the Empire beyond the limits of the present Treaty Ports.

In making it, my Colleague from Italy acted by himself, without the assent or knowledge of any of his Colleagues. And in the opinion of my other Colleagues

Colleagues and myself, thus
prevented, or at least delayed
the attainment of this privilege
of visiting the interior, upon —
much more favorable terms.
At a meeting of our Corps, at
which I reported what had passed
between Mr Soyeshima and myself,
it was unanimously agreed,
that this matter in detail should be
at once submitted by us to our
respective Governments, that
they might take such action, as
might be thought proper, giving
them ample time to act before
the Italian Government should
give its sanction to the proposed
Convention. At this meeting
my

my Colleagues requested me to give them an explicit statement of what was said to me by M. Soyeshima upon this subject. In conformity with this request, I addressed them a Note on the eleventh instant (Enclosure to 4) forwarding the memorandum requested, in writing. (Enclosure to 5)

4/69
5/69

To avoid recapitulation, I beg to refer you to that memorandum. It is needless to assure you, that I feel great disappointment over the present situation of this matter, as it is very evident that the Japanese feel that they have obtained a decided

advantage

advantage, which, should the Italian Government give its consent, they think must result in the other Treaty Powers giving the same thing to prevent Italian traders from enjoying special advantages. — Thus these authorities hope to rid themselves of the operation of the doctrine of extra-territoriality beyond the limits of the present Treaty Ports.

I have the honor to remain

Sir

Your most obt servant

A. E. Adee Long

List of enclosures.—

No 1. De Long to Soyeshima asking for a meeting to frame a Convention.—

No 2. Soyeshima to De Long enclosing proposal of the Italian Minister

No 3. Copy & translation of the proposal made by the Italian Minister

No 4 De Long to Foreign Representatives enclosing a memorandum of an interview held with M Soyeshima.

No 5. (Memorandum of interview,) accompanying enclosure to 4.

Copy

No 25. U.S. Legation Japan

Feby 27. 1873.

Her Excellencies

The Minister for Foreign Affairs

For Japan;

Sir Excellency;

I beg leave to inform you that today I presented a memorandum of the proposed Convention for opening Japan freely to foreigners, which you were so kind as to communicate to me on yesterday.

After considering the same, at once both the Corps expressed a wish to meet with Your Excellency at some time & place very soon to discuss the same fully, and requested me to make known their views, which accordingly I do, and beg you to meet us as early

Daily day for each meeting.
With respect to Conduct
C. E. Doing

Copy

Foreign Dept 26th of
2nd Month 6th year Reign

Sir

Herewith I have the
pleasure to enclose a draft
of the proposed Convention
relative to the circulation
of foreigners in the interior
of our country for which I
request your acceptation

I have the honor to be
Sir of your Obt. Servant
Foreign

To His Excellency
Le. E. De. Long.
Env Ex & Min Plen
of U.S.A.

Copy of translation

Provisional Convention relative to the admission of foreigners to the interior of Japan.

I Foreigners will be permitted to travel freely in the interior of the Empire on the conditions that whilst beyond treaty limits they will be under the protection and jurisdiction of the local authorities in the same manner as is usual in all the Countries of Europe and America.

II On this understanding respectable foreigners will obtain through their Authorities personal passports from the Minister for Foreign Affairs

III In cases of foreigners or their

their property suffering loss their respective Governments will have the right to require reparation therefor according to Japanese law: nevertheless a Government will not interfere in any affairs until such time as its Subjects shall have made use of every means in their power to obtain justice from the Japanese Tribunals and until there appears a reasonable presumption that there has been an evident refusal to grant justice.

IV The Japanese Government engages that in cases of judgments in criminal matters

matters being given against Foreigners these latter shall not be subjected to cruel punishments, but that they will nevertheless be subject to imprisonment with or without hard labors.

V In the case of crimes for which capital punishments might be inflicted, such punishments will not be carried into execution without the local Authorities having previously referred such case to the Seat of Government at Yedo as is the usage under similar circumstances with respect to Japanese Subjects

No 68. United States Legation in Japan

Yokohama March 11. 1873.

Gentlemen:

As requested by you in our conference today, I take pleasure in furnishing you for examination and copy, a brief memorandum embodying, as I remember it, what passed between Mr Soyeshima and myself at an interview I held with him on the 7th instant, touching the question of opening Japan to the free circulation of foreigners upon certain conditions.

My Interpreter, Mr Rice, who was with me at that interview agrees with me fully

in

in his recollection of what transpired. As Mr Ishibashi of the Foreign Office acted as Interpreter upon the occasion, it might possibly be well for you to enquire of him, if I have correctly stated Mr Soyeshima's remarks in this memorandum.

I remain,

Yours obedient Servant

H C De Long

Their Excellencies

The Foreign Representatives

resident in Japan.

One Enclosure

A memorandum embodying the remarks of Mr Soyeshima. at an interview with the American Minister in Yedo. — March 4. 1873.

Memorandum

At an interview with Mr Soyeshima on the 7th inst, the note which I had circulated proposing to give our consent to the postponement of the consideration of the question of opening Japan to foreigners upon certain conditions until he, (Mr Soyeshima) should return from China, I read to him. - and at the same time called his attention to the fact that M. Butzow in signifying his consent had done so upon the expressed condition that no rule upon the subject relative to Italian subjects should be put in force in the meantime, and asked him if I might give my colleagues such an assurance. He replied "no". and then advised me that

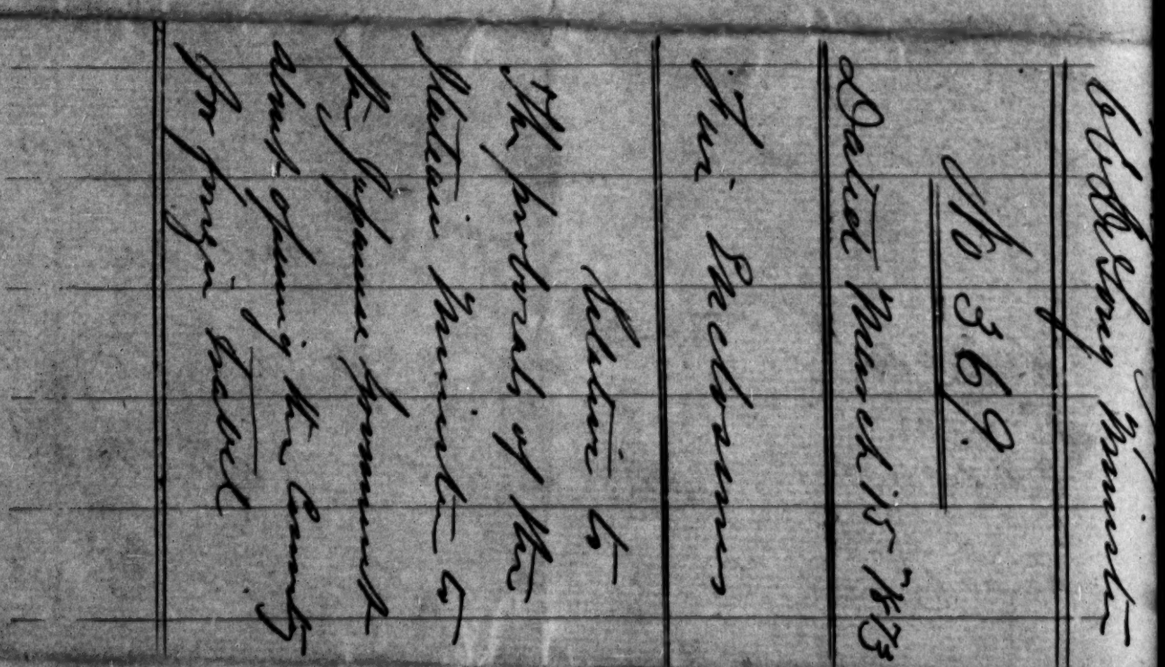
that his Government had already agreed to this. and upon the receipt by it of the notice of the assent of the Italian Government thereto, it would be necessary to at once proclaim it.

I then enquired particularly of Mr. Soyeshima as to the origin of this business. In response he advised me that the proposal had emanated from the Italian Minister. That he had received it, written in the French language as he had hitherto communicated it to me. That his Government has considered and assented to it, That he had made this assent known to the

the Italian Representative, who in reply advised him, that having no power to conclude this business, he would at once communicate it to his Government, urge the adoption of it, and communicate the result to this Government in as short a time as possible.

Mr Soyeshima further remarked that other nations accepting the same conditions, would be accorded similar privileges. In response to my suggestion that he should meet with the Diplomatic Corps and discuss this subject, he expressed himself quite willing to be present at such meeting but as he at the same time

time assured me that he was unwilling to accord this privilege upon any other conditions, than those embodied in the proposal of our Italian Colleague. I deemed it unnecessary to urge my request.



acknowledge & approve
Ask
Mr. Burlingame

No 370. United States Legation in Japan

Yokohama March 15. 1873

Sir,

C. E. De Long

United States Minister

Contents.

Instructions given to Consul Shepard relative to the enforcement of the 7th article of the Yokohama Municipal Convention. —

No 370 United States Legation in Japan

Yokohama March 15, 1873

Sir,

I have the honor to advise you that on the 13th inst. I received a note from Consul Shepard asking for my opinion in relation to his right to enforce Article 7. of the Municipal Convention governing this Port. (Enclosure No 1) 1/370

To which I this day replied, instructing him under certain conditions to enforce the article. (Enclosure No 2) 2/370

I am

Hon ble Hamilton Fish

Secretary of State

Washington D. C.

As the Convention in question is not published in the bound volume of Treaties and Conventions, I beg leave to quote the 7th Article.

"VII The Japanese Government will
"make arrangements for the safe
"storage at reasonable rates of
"gunpowder and other explosive
"substances imported into the Port
"of Kanagawa, and the undersigned
"will take the necessary steps to
"prevent their respective subjects or
"citizens from using any other
"place for the storage of these
"dangerous substances."

Trusting to your kind approval,

I have the honor to remain, Sir,

Your most obt Servt.

E. E. De Long

Suit of Enclosures. —

No 1. Shepard to DeLong asking for opinion in relation to his right to enforce Article 7. of Municipal Convention.

No 2. DeLong's reply, instructing him under certain conditions to enforce the Article.

Copy.

No 81

U.S Consulate

Kanagawa Mar. 13th 1873

Hon

C. E. De Long.

U.S. Minister

Sir

Referring to Art. 7 of the Convention of Yedo dated Oct 28th 1867 I am asked by the Governor whether or not if the Government provides such a place I can make the storage compulsory upon American citizens

Upon this point I have the honor to ask your opinion.

I have the honor Sir

~~to be~~

Your most obedient Servant

C. O. Shepard

Consul

Copy

No 80 U.S. Legation Japan

Yokohama March 13th 1873

Sir.

In reply to your no 81 of the 13th instant- I beg leave to advise you that- whenever the Japanese Authorities shall make such arrangements for the safe storage at- reasonable rates of gunpowder and other explosive substances imported into the Port of Kanagawa as shall be satisfactory to you it- will be clearly your right- and duty to enforce Article 7 of the Yokohama Municipal Convention dated October 28th 1867 by requiring all Americans at- this Port- to store gunpowder and other such substances in the place or places provided by Government.

I

I did not reply sooner to your dispatch for the reason that I wished to learn the views of my Colleagues relative to this subject which I have done and which accord with my own here expressed

I would suggest to you the propriety of your acting in this matter if possible in conjunction with your Consular Colleagues at this Port.

I have the honor to remain

Sir

Your most obedient Servant

C. C. Vedong

C. O. Shepard Esq.

U S Consul

Kanagawa

Ack 22 apl

Dr. Bowlan

Legation Japan

March 16th 1873

No 371

Sir

I E De Long

Minister

Contents.

Advices about Mr Boynton having applied through me for permission to execute engraved portraits of the Mikado

No 371 Legation Yokohama

Japan March 16th 1873

Sir

I have the honor to inform you that on the 11th of last month I received a note from one Edd Boynton (Enclosure No 1) requesting me to forward to this government a copy of a Petition which he enclosed (Enclosure No 2), asking exclusive permission to execute engraved portraits of His Majesty the Mikado 1/371 2/371

On the same day I addressed the Minister for foreign affairs a Note (Enclosure No 3) forwarding him a copy of Mr Boyntons Petition 3/371

On the 14th inst I received a reply from the Minister declining to grant-

Hon Hamilton Fish

Secretary of State

Washington DC

4/371 grant Mr Boyntons application. (Enclosure No 4) On the same day I addressed Mr Boynton a Note advising him of the reply of the Minister

5/371 (Enclosure No 5)

I have the honor to remain

Sir

Your Most obedient Servant

O E De Long

List of Enclosures

No 1. E S Boynton to O E De Long

No 2. Petition of E S Boynton

No 3. O E De Long to Minister for Foreign Affairs

No 4. Reply of Minister for Foreign Affairs

No 5. O E De Long to E S Boynton

Yokohama Japan

Feb 11th 1873.

Sir

I herewith hand you a petition to obtain sole permission to publish a series of portraits of His Majesty the Tenno.

If you will kindly present it to the proper government authorities and inform me of their decission you will confer a favor

very respectfully yr

Your Obdt Servt.

(Sgd) C. S. Boynton

Copy of Petition

Sir

The absence of the portrait of His Majesty the Tsar from the various public and private Art-Galleries of Europe and America has long been a source of deep regret to those interested in the history of a country so rapidly taking a place in the foremost ranks of nations.

On behalf of thousands interested I would respectfully beg permission to produce by the various processes of engraving a series of portraits of His Majesty the Tsar to correspond with the portraits of the Potentates of Europe now in the various Art Galleries.

&c

To prevent the introduction of inferior portraits by other parties and to protect me in the large outlay necessary to the production of a good portrait I would respectfully to be granted sole permission to produce portraits of His Majesty the Sultan as is customary in such cases in European Countries

In consideration of such sole permission being granted I will guarantee to produce all portraits in the highest style of Art; to assume all expenses incurred in so doing and to place at the disposal of His Majesty a certain number of copies of such engravings as I may produce

Very respectfully

Your Obdt Svt

(Signed) E S Boynton

Legis

No 15 U. S. Legation

Tokyo Feb. 11th 1873

Their Excellencies

The Ministers for Foreign Affairs

Tokio Japan

Your Excellencies

I have the honor

to forward to you herewith copy

of a note and petition received

by me from one C. S. Boynton an

American citizen who desires to

enter into certain negotiations

relative to procuring for your Govt.

at his own proper cost and expense

portraits of His Majesty the Tenno.

I respectfully bespeak for this

gentleman an audience with

your Excellencies that you may

hear his explanations and more

correctly

correctly understand his intentions
and proposals.

I have the honor to remain

Sir

With respect & consideration

Ed Delong

Copy

Department for Foreign Affairs

Tokio 13th 3rd Nov 6th year

Your Excellency

I am replying to the letter which your Excellency addressed on the 11th inst. to the Minister for Foreign Affairs enclosing copy of a petition from Mr. C. S. Boynton an American citizen who desires to obtain permission to engrave a series of portraits of His Majesty the Emperor of Japan. I have the honor to inform your Excellency that the matter has been brought before the proper authority and that the petition cannot be granted.

I beg therefore your Excellency to notify Mr. C. S. Boynton of this

I have &c. With respect &c

E. E. Dickson Ukyeno Kawashima.

&c &c &c

No 79 U.S. Legation

Japan March 14th 1873

Sir

I have the honor to inform you that upon the 11th of last month I addressed a note to the Minister for Foreign Affairs of this Empire enclosing copy of your petition praying permission to make portraits of His Majesty the Tenno. to which I have this day received a reply informing me that your prayer cannot be granted.

I have the honor to

C. E. De Long

E. S. Boynton Esq

Yokohama Japan

Executive Minutes

No 371

Dated March 16th 1873

Jiri Enclosing

About Mr Boyntons
application for
permission to take
portraits of the
Mikado

DEPARTMENT
RECEIVED
APR
21
1873
OF STATE.

Legation Japan
March 16th 1873

No 372

Sirs

I have
the
Honor

Contents.

Correspondence relative to remarks made in Court by Gov Pickens Smith.

No 372 Legation Yokohama

Japan March 16th 1873

Sir

I have the honor to advise you that on the 13th inst I received a communication from my German Colleague inquiring of me if it was true that Wm B Pedmore Smith made use of certain language during the progress of his late trial in Consul Shepard's Court. (Enclosure No 1) 1/372

Not being myself advised as to whether he did or not I addressed a note to Consul Shepard on the same day inquiring the interrogatory & him for a reply (Enclosure No 2) 2/372

Mr Shepard replied on the 14th declining to state his recollection. (Enclosure No 3) 3/372

Hon Hamilton Fish

Secretary of State

Washington DC

On the 14th inst. I replied to Baron Von Brandt transmitting him copy of my letter to Consul Shepard and also a copy of Mr Shepard's reply (Enclosures 3 & 4)

4/3 & 4

I am entirely at a loss to know what the German Minister intends to do. As he has never spoken to me on the subject or in any way about Mr Smith until yesterday when he remarked at our diplomatic conference that "he might submit to marks of that nature but he should not"

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

List of Enclosures

No 1. Baron Von Brandt to C E De Long
No 2. C E De Long to C O Shepard
No 3. C O Shepard to C E De Long
No 4. C E De Long to Baron Von Brandt

Leary

United Legation Yedo 12th Mar 1872

My Dear Colleague

The Japan Mail in its issue of January 24th contains a report in a case, the United States versus Mr E Cushing Smith in the employ of the Japanese Government heard before the United States Consul at Yokohama.

In this report Mr. Smith is made to say. " not one in ten get their " deserts any more than one person " in ten in Japan was murdered " that ought to have been murdered".

Mr. Smith being attached to the Japanese foreign office you will clearly understand the interest I feel in ascertaining through an official

official source if he has really made use of the before cited expressions.

You would therefore greatly oblige me, if you could let me have an answer to the question if the report of the Gelsons Mail contains a true and exact rendering of the words attributed to Mr. Smuts

I have the honor to be Sir and dear Colleague

Your most obedient

Humble Servant

E. M. Van Broundt.

Chas E De Long

Con Ex & Mail Clerk

of USA in Gefrom

Copy

No 76 U.S. Legation Japan

March 13th 1888

Sir

I am in receipt of a communication calling my attention to the fact that in the Japan Mails published account of Mr. E Jenkins Smiths remarks in your court during the trial lately held there it is reported that he used the following language to wit:

"not one in ten get their deserts
"any more than one foreigner in
"ten in Japan is murdered that
"ought to have been murdered" and
meaning of me if that report is
true that is if Mr. Smith did
on that occasion make use of
the language above quoted.

As

As I have no record of his testimony or remarks and as I was not present at his trial, I submit this interrogatory to you for a reply which I shall thank you to return to me at your earliest convenience.

I remain Sir

Your most obdt Servant

L E De Long

L. P. Shepard Esq

U S Consul

Kanagawa

Copy

No 83. U. S. Consulate

Kanagawa Mar 14th 1893

Hon

C. E. De Long

U S Minister

Sir

Replying to your no 76 of date Mar. 13th 1893 I have the honor to say that no record whatever is kept of any argument made before this Court. hence to answer your enquiry I should be obliged to trust entirely to recollection and in such a case I would not trust my memory in a Competition with a Reporters notes of phraseology.

I have the honor Sir to be

Your Obedient Servant

A O Shepard

Consul

Copy

No 78 U S Legation

Yokohama Mar 14th 1883

Sir

Yours of the 12th inst- inquiring of me if Mr. C Peshine Smith uttered certain expressions quoted by you from the Japan Mail was received by me on yesterday. As I have no means of knowing the truth about this business I at once addressed a note to C. C. Shepard U.S. Consul for Kanagawa before whom the proceedings were held, submitting your enquiry to him (Enclosure No 1) I have just received his reply which I also have the honor to forward (Enclosure No 2).

By application to the Reporter for the Mail you can probably obtain

obtain the most direct and
reliable information on this subject.

I have the honor to remain

Sir

Your most Obdt Servt

H. L. C. E. De Long

C. A. Von Brandt

Minister Resident

North German Confederation

Acknowledging Minister's
No 172
dated March 16 1873
Asks for a copy
of
Correspondence relative
to vessels sent in
search of Expedition
Sent by Steamer
South Cape

DEPARTMENT OF STATE
RECEIVED
APR
21
1873

U.S. Legation Japan

March 16th 1873

No 373

Hon

E. E. De Long

U.S. Minister

Contents

Mikado's Law proclaiming by

the Japanese Government

No 373 Legation of Yokohama

Japan March 16th 1873

Sir

I have the honor to advise you that on the 12th inst I received a note from this government (Enclosure No 1) 1/373 forwarding a Proclamation relative to Marriage between Japanese and citizens or subjects of Powers having treatys with this Empire (Enclosure No 2) 2/373

The 6th Section you will observe is practically a naturalization law.

My German Colleague advised me that he had written to this government advising that he could not recognize any individual born in Germany as Hon anything

Hamilton Fish

Secretary of State

Washington D C

anything but a German subject and as such liable to German laws when found within this Empire; particularly whilst the doctrine of extra territoriality remains in force as a rule of law

I have thought it best to make no reply submitting the case as stated to you for such instructions as you may be pleased to give me

I have the honor to remain

Sir

Your most obedient servant

C E De Long

Copy of Translation

Foreign Office 12th 3rd

Year 6th of Meiji Seki

Sir

I enclose for your Excellency's information the proclamation in reference to the marriage between both nations Japan and Foreign treaty Powers

With respect-ve consideration

Iwao Kagenori

Gaimu Shoyu

To His Excellency

Edward Long

Envoy Extraordinary and

Minister Plenipotentiary

of the U.S. Hawaiian Islands

in Japan

Marriage Regulations

Whenever it is desired by Japanese and Foreigners to marry permission will be obtained from the Japanese Government.

A Japanese woman who marries a foreigner will forfeit her title to Japanese citizenship.

If for any reason any such Japanese woman desires to regain her citizenship permission may be obtained

Any Foreign woman who marries a Japanese subject must submit to the laws of Japan and will obtain the rights of a Japanese subject.

Any Japanese woman who marries a foreigner will forfeit all title to

real

real estate (or immovable property) but he may take with him all cash and valuables (or movable property) provided she conforms to the marriage regulations a Japanese woman may receive a foreigner into her family upon sanction of Japanese Government being obtained

Any foreigner entering a Japanese family will submit to Japanese laws and be entitled to Japanese protection

Any Japanese subject making to marry any foreign woman while in another country will obtain the sanction of the Japanese Minister or Consul in that Country but in countries where Japan has no such officers application will be made to the Minister nearest that country and subsequently

the

receipt of such sanction will be
reported to the home Govt.

Mmmmmmmmm

Col. Le Gendre

No. 373.

Dated March 18th 1873

Two Enclosures

Marriage Law proclaimed by the Japanese Government

Legation Japan
March 22nd 1873

No 374

Sir

I have the honor to transmit herewith a copy of Rules and Regulations for the Railway between Yokohama and Yedo, which have been promulgated by the Japanese Government, and which I am informed by the Minister of Foreign Affairs are to be enforced by the Japanese authorities.

Contents:

Railway Regulations and Penalties promulgated by the Japanese government and to be enforced by Japanese officials by me

No 374 U.S. Legation Yokohama

Japan March 22nd 1873.

Sir.

I have the honor to advise you that on the 15th day of June last Mr Shipard while in charge of this Legation received a note from the government (Enclosure No 1) 1/374 notifying him that on the 12th of that month the Railway between Yokohama and Simagawa would be opened for the accommodation of "those persons only whether natives or "foreigners who engage to conform to the "Regulations and submit themselves to "the Penalties of which I beg to enclose "the translations for your information."

I transmit herewith printed copy of the Regulations then forwarded. (Enclosure No 2) 2/374 and written copy of the Penalties (Enclosure No 3) 3/374

Hon Hamilton Fish No

Secretary of State

Washington D.C

No action seems to have been taken by
Mr Shepard under this notification
On the 6th of December last I received
a Note from my British Colleague (Enclosure
4/574 No 4) calling my attention to this Code of
Regulations and Penalties; advising me
of his intention to authorize the
Enforcement of the Regulations provisionally
over British subjects and to frame certain
Penalties analogous to those proclaimed
by the Japanese government and to apply
these also to British subjects; and further
advising me that Earl Granville had
directed him in the management of this
business to place himself in communication
with the representatives of other Foreign
powers &c

To this I at once replied expressing my
willingness, and making known my
instructions

instructions to co-operate with my
Colleagues in all affairs of general
interest; at the same time suggesting
that it would more nearly accord with
the instructions I had received and be
more agreable to the Japanese Authorities
if we should proclaim the Japanese
Regulations and Penalties, as a rule
of law governing our people. That
for the sake of securing concert of action
I would suggest a meeting of our Corps
Diplomatic. (Enclosure No 5) 5/574

My Colleagues in reply expressed their
concurrence with my views. (Enclosure
No 6) In a few days afterwards a 6/574
meeting of our Corps was held and the
subject being discussed it was agreed
by all of us that the Regulations were
entirely proper and reasonable and

the

the Penalties also excepting those providing punishments for violations of the first and eleventh regulations

These besides being excessive were beyond the power of the British Representative to decree in any case, therefore with a view of obtaining this amendment—so that we might all join in enforcing them we agreed to address this government an identical Note, asking the amendment of the penalties mentioned and also suggesting with respect to all of them that provision should be made for an alternative punishment—by imprisonment—

Accordingly I addressed this government a note on 15th of January last. (Enclosure No 7). To this the Minister replied on the 13th inst—forwarding to me as a Circular a rough memorandum of

7/4
3/4

the

the Amendments that had been adopted
(Enclosure No 8) 8/3/74

On the 17th inst he again addressed
me forwarding printed copy of the Regulations
and Penalties. (Enclosure No 9)— 9/3/74
(The Regulations being the same as pertain-
ing and referred to Enclosure No 2)

It appearing that our suggestions
had been adopted substantially I published
a Decree and Notification to Americans
resident in Japan placing the said
Regulations and Penalties in force over
them. (Enclosure No 10) and at the 10/3/74
same time instructed HM Consular
officers in their respective relations thereto.
(Enclosure No 11) 11/3/74

This course has been followed by my
British Colleague. (Enclosure No 12) and 12/3/74
will be by my French, Russian and
Spanish

Spanish Colleagues. I have also pursued the same course with respect to Dutch
13/574 subjects (Enclosure No 13)

My Italian Colleague withheld the original Penalties & his countrymen and My German Colleague was prevented by some law of his country from complying wholly with us but has agreed to do so substantially.

I beg to call your attention to the concluding paragraph contained in my Letter of instructions (Enclosure No 11) wherein I direct all monies collected for violations of these Regulations to be retained by the Consuls until they shall be otherwise directed.

Day before yesterday whilst I was at the Foreign Office the Minister asked me if the monies collected for violations

of

of these Regulations would be paid over by our Consuls to the Japanese Authorities

I replied that I could not promise him this as it would be impossible to compel our Marshals to make arrests our Consular officers to hold Courts and our government to confirm and support previous without showing to some extent in the fines collected or duty indemnified by this government.

He admitted the force of my remarks and then inquired of me what course I intended to adopt. I replied that I would instruct the Consuls to retain all monies so collected until I could receive instructions from you upon the subject, which instruction I beg leave respectfully to solicit at your earliest convenience. I am

inclined

5

inclined to believe that it would please this gov^mnt but to have us agree to a rule giving it all fines collected upon payment to our authorities of all actual & proper expenses.

My conduct in this business I am happy to assure you has given these authorities great satisfaction

I have endeavored to strictly follow your instruction No 87. of the 22^nd of May 1871. and sincerely hope that what I have done may meet with your approval.

I have the honor to remain

Sir

Your Most obedient Servant

C. E. De Long

List of Enclosures

No 1. Japanese Govt to Mr Shepard

No 2 Copy of Printed Regulations

No 3. Copy of Penalties

No 4. British Minister to M. De Long

No 5. De Long to British Minister

No 6. British Minister to De Long

No 7. Identical Note to Japanese Govt

No 8 Reply of Govt forwarding memo of Amendments made to the Penalties

No 9. Printed Penalties as Amended.

No 10. Decree and Notification of De Long to Amendments

No 11. Instructions to Consul.

No 12. British Minister Decrees Regulations

No 13. Decrees Notifications to Dutch Subjects

Copy

Foreign Office
Yokei of 3rd Month
of 1st year Meiji

Sir

I have the honor to state
your Excellency that the Rail
Road between Sinagawa and
Yokohama will be opened on the
7th Day (12th of June) for the use
of those persons only whether
natives or foreigners who engage
to conform to the regulations and
subject themselves to the penalties
of which I beg to enclose the
translations for your information.

With respect and consideration

Sagesima Tanenomi

C. O. Shepard Chargé d'Affaires H. I. G. Ms Minister for
Foreign affairs
of US and Hawaiian
Islands

Government Regulations.

RELATING TO

RAILWAYS IN JAPAN.

The Government of Japan hereby enacts the following Rules for the ...gulation of Railways in Japan.

...—No person shall enter any Carriage used on the Railway for the ...rpose of travelling therein, without having first paid his fare, and ...ained a passenger's ticket.

...—Every person shall, when required, shew his ticket to any Railway ...cials appointed to examine the same, and shall deliver up such tickets ...n demand to any of the Railway officials appointed to collect tickets.

...ny person not producing or delivering up his ticket as aforesaid shall ...liable to pay the fare from the place whence the train originally started, ...ess he can prove that he has travelled a less distance only, in which ... he shall be liable to pay the fare only from the place whence he ... travelled.

...—At the Intermediate Stations the fares shall be deemed to be ac...ted and the tickets furnished only upon condition that there be room ...he train for which the ticket shall be furnished. In case there shall ... be room in the train for all the passengers to whom tickets shall ... been furuished, those who shall have obtained tickets for the ...st distance shall have the preference, and those who shall have ...ined tickets for the same distance shall have the preference accord...o the order in which they shall have received their tickets.

...—Any person who shall defraud or attempt to defraud the Gov...ent by travelling or attempting to travel upon the Railway without ...g previously paid his fare, or by riding in or upon a carriage of a ...r class than that for which he shall have paid his fare, or by ...nuing his journey in or upon any of the carriages of the Railway ...d the place for which he shall have paid his fare, without pre...ly paying the fare for the additional distance and with intent to ... payment thereof, or who shall knowingly and wilfully refuse or ...t on arriving at the point to which he shall have paid his fare ...uit such carriage, or who shall in any other manner whatever ...pt to evade the payment of his fare, shall be liable to be pro...d according to the law applicable to such offender.

...—No passenger shall get into, or upon, or shall quit or attempt ...t any carriage upon the Railway while such carriage is in motion; ... passenger shall ride or attempt to ride upon the Railway on the ... or any other part of a carriage except on those parts which are ...ded for the accommodation of passengers.

...—No person afflicted with the small-pox or other contagious disease will be permitted to travel by Railway, and if any person whilst travelling be discovered to be so afflicted, it shall be lawful for any Railway official to remove him from the Railway premises at the first opportunity.

...and in... 7.—No person shall be permitted to smoke in any part of the Railway premises, or in carriages or in compartments of carriages set apart for non-smokers, and no male passenger shall be permitted to enter any Railway carriage or part of a carriage or any room reserved for females, and any person who shall persist in infringing this regulation after having been warned to desist by any of the Railway officials may be immediately removed by any of the Railway officials from any such carriage, and from the premises of the Railway.

...ation or ... 8.—Any person who shall be in a state of intoxication, or who shall commit any nuisance or act of indecency in any Railway carriage or upon any part of the premises of the Railway, may be immediately removed by any of the Railway officials from any such carriage, and also from the premises of the Railway.

...for re... ...or defac... ...Railway ...erty. 9.—Any person who shall unlawfully and wilfully remove or deface or in any way injure any notice or document posted by the Railway authorities at the Stations or along the line, or remove or deface the number plates, or remove or extinguish any lamp on a carriage belonging to the Railway, or shall wilfully or negligently damage or injure any Carriage, Engine, Wagon, Truck, Warehouse, Building, Machine, Fence or any other matter or thing belonging to the Railway, shall be dealt with according to law.

...hibition ...t riding on ...e, &c. 10.—No person other than Engine-men and Firemen and those having the special licence of the proper Railway authority, shall ride or attempt to ride upon any Locomotive-engine or tender upon the Railway, and no person other than the guards or brakesmen or those having such licence as aforesaid shall ride or attempt to ride upon the Railway in or upon any Luggage-van or goods-wagon or other vehicle not appropriated to the carriage of passengers, and any person who persists in infringing this regulation after having been warned by a Railway official shall be liable to immediate removal therefrom.

...ss. 11.—Any person who shall trespass upon any part of the Railway or Stations or other premises belonging to the Railway shall be liable to immediate removal from the Railway or its premises by the Railway officials.

...iability for ...ger's lug... 12.—The Government shall in no case be answerable for loss of or injury to any passenger's luggage or other property, unless it shall have been booked and separately paid for; and the Government shall not be liable for loss of or injury to the contents of any luggage, even when booked and separately paid for, other than articles of clothing belonging to a passenger and carried by him for his own personal use, and in no case shall the liability of the Government for such loss or injury exceed Fifty yens.

13.—The Government shall in no case be answerable for loss of or injury to any gold or silver coined or uncoined, manufactured or unmanufactured, or any precious stones, jewellery, watches, clocks, or time pieces of any description, trinkets, curios, lacquer-ware, bills of exchange, promissory notes, bank notes, kinsatsz, orders or other securities for payment of money, postage stamps, title deeds, maps, writings, paintings, engravings, pictures, plated articles, glass, china, wine, spirits, silkworm's eggs, cocoons, or silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, shawls, lace, or any of them contained in any parcel or package which shall have been delivered to the Railway officials to be carried for hire, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same, and an increased charge for the safe conveyance of the same shall have been accepted by some person specially authorized to enter into such engagement on behalf of the Government. *No liability for loss of gold, silver, &c. unless in certain cases.*

14.—The Government shall in no case be liable for loss of or injury sustained by any horses, cattle, or any other description of live stock which may be delivered to the Railway officials for carriage by the Railway, beyond the sum hereinafter mentioned, (that is to say) for any Horse or Cow fifty yen, for any Sheep or Pig five yen, for any Oxen twenty yen per head, unless the person sending or delivering the same to the Railway officials shall at the time of such delivery have declared them to be respectively of higher value than as above mentioned, and an increased charge shall have been accepted by some person specially authorized to enter into such engagement on behalf of the Government. *Carriage of live stock.*

15.—No person shall discharge any fire-arms from any of the carriages of the Railway, or when upon the Railway, or upon any part of the Railway premises. *Prohibition against discharging Fire Arms.*

16.—Until further notice, no Gunpowder, Petroleum, Kerosene Oil, Naphtha, Turpentine, Vitriol, or other articles of an explosive or highly combustible nature shall be carried by the Railway. *Gunpowder, &c. not to be carried on the Railway.*

17.—The owner or any person having the care of any goods which shall have been carried upon the Railway, or which shall be brought on to the premises of the Railway for the purpose of being carried upon the Railway for hire, shall upon demand by any Railway official appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried or shall be about to be carried, deliver to such official an exact account in writing signed by him of the number and quality and description of such goods. *Written account of goods to be given on demand.*

18.—The Government shall in no case be liable for loss of, or injury to any articles, goods, or live stock, which may be entrusted to them for carriage by the Railway, unless such loss or injury shall have been caused by the negligence or default of its officials. *Limitation of Government liability.*

19.—If any person shall fail to pay on demand any sum due for the conveyance of any goods, it shall be lawful for the Traffic-manager or his substitute to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Railway, any other goods of such person which shall then be on the premises of the Railway or shall thereafter come into the possession of the Railway authorities, and also, after reasonable notice to such person, to sell by public auction sufficient of such goods to realize the sum payable as aforesaid and all charges and expenses of such detention and sale, and out of the proceeds of the sale to retain the sum so payable together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Government may recover any such sum by action at law. *Freight of Goods.*

20.—The freight paid for the conveyance of goods shall be deemed to be accepted only upon condition that there be room in the train. *Forwarding of Goods.*

21.—No person shall be entitled to travel, or have his luggage or other property carried upon the Railway except under the conditions and provisions contained in these Regulations. *Parties contracting with the Government to be subject to these regulations.*

22.—The Railway authorities shall duly notify any alteration in respect of, or addition to these Regulations. *Alteration, &c. of Regulations to be notified.*

23.—The Chief Commissioner of Railways or the Director of Railways is hereby empowered to institute any prosecution or action at law which they may consider necessary for the purpose of carrying out the Regulations. *Chief Commissioner and Director of Railway may prosecute, &c.*

24.—The Tariff of charges for conveyance or carriage by the Railway is subject to variation from time to time according to the exigencies of the case, and any such alteration shall duly be notified to the public two weeks before it shall come into operation. But the Chief Commissioner, or Director, or Traffic-manager has power to run excursion or special trains at fares lower than the ordinary rates without giving such notice as aforesaid. *Alteration of tariff, &c.*

These Regulations shall come into operation from and after the

day of

187 .

Penalties for the infringement of the Rail Way Regulations of the Imperial Government of Japan.

is for
tion to
ways
s

1. Any Rail Way official who shall be in a state of intoxication whilst actually employed upon the Rail Way or any of the works connected therewith in the discharge of any duty shall be liable to a fine not exceeding 25 yen, and any Rail Way official who omits or neglects to perform his duty or who performs the same in an improper manner so that such omission negligence or improper performance is likely to endanger the safety of any person traveling

or

or being upon the Rail Way shall on conviction be liable to imprisonment with or without hard labor for a term not exceeding 14 Months or to a fine not exceeding 100 dgrs.

2 Any person who shall commit any of the offences mentioned in regulation 4 Shall be liable to a fine not exceeding 25 dgrs.

3rd Any persons who shall commit any of the acts prohibited by Regulation 5 shall be liable to a penalty not exceeding 10 dgrs.

4th Any person who shall commit any of the acts prohibited by Regulation 6th shall forfeit his fare and be liable to to a fine not exceeding 10 dgrs

5. Any person who shall be in a state of intoxication upon the Rail Way or

or its premises or its carriages or who shall commit any of the acts prohibited by Regulation 8 shall forfeit his fare and be liable to a fine not exceeding 20 ozen

7 Any of the persons who shall commit any of the offences mentioned in Regulation 9 shall be liable to a fine not exceeding 50 ozen or to imprisonment with or without hard labor for a term not exceeding one hundred days

8 Any person who shall commit any of the acts prohibited by Regulation 10 shall be liable to a fine not exceeding 25 ozen.

9 Any of the persons who shall commit any of the acts prohibited by Regulation 15 shall be liable to a fine not exceeding 25 ozen

11 Any person who shall wilfully fail to give on demand such account of goods as is required by Regulation 17 or who shall willfully give a false account of such goods when so required shall be liable to a fine not exceeding 25 agen for every ton of goods and to a fine not exceeding 10 agen for any quantity less than a ton

12 Any person damaging or destroying the property of the Rail Ways shall ni addition to his rendering himself liable to penalty or other punishment therefor as mentioned in clause 9 and notwithstanding the infliction of there, be liable also to make compensation to the Rail Ways Government for such damage or destruction and the prosecution for the penalty or punishment and the claim for compensation may if instituted together be simultaneously decided

decided by the proper authorities.

The Government-Rail Way Regula-
-tions shall come in operation and
the above penalties be enforced from
and after the day of 1872

Copy

Received

British Legation

Yedo Nov. 30th 1872

Sir

Certain Regulations were communicated to me verbally last- on the part- of the Japanese Govt. relating to Rail Ways in Japan and as I think them fair and reasonable, I propose to authorize their enforcement- as regards British subjects pending the approval of my Government:

I further propose to frame certain Penalties analogous to those which the Japanese Government have attached to the infringement- of the above mentioned Regulations and to offences connected with the Railways

and

and to make the said Penalties applicable to British subjects provisionaly, and I have the honor to add for your information Sir; that I have been authorized by Earl Granville to place myself in communication with the Representatives of other foreign Powers in Japan, with a view to an identical course being adopted in respect to all foreign subjects.

I have the honor to be

Sir

Your most obedient

humble Servant

R. G Watson

Honorable Le Elle Long

Env Ex & Min Plen of U.S. of America

Copy

5

No 165 U S. Legation

Japan Dec 6th 1872

Sir

I have the honor to acknowledge the receipt to day of your favor of date the 30th ultimo advising me of your intention to authorize the enforcement of certain Railway Regulations issued by this Government as regards British subjects in this Empire. and of your farther intention to frame certain penalties analagous to those which the Japanese Government have attached to the infringement of the above mentioned Regulations and to offences committed with the Railway and to make the said penalties applicable

to

to British subjects provisionaly &c
also kindly advising me that you
had been instructed by Earl Granville
to place yourself in communication with
the Representatives of other foreign Powers
in Japan with a view to an identical
course being adopted in respect to all
foreign subjects &c, I thank you most
sincerely for this kind communication,

I beg leave to avow myself (under
instructions from my Government) most
desirous in this as in all other matters
of general interest to act in accord
with yourself and all other Foreign
Representatives here. I trust that
you will pardon me for suggesting
a general meeting of the Corps
Diplomatic at which to examine and
discuss the Regulations and practice
abroad

already proclaimed by the Japanese Government which if found reasonable and satisfactory, it would be in accordance with my views to call the attention of my countrymen (resident here) to: and by proclamation give them effect over American Citizens provisionaly. I have no doubt such a course would accord more fully with the wishes of the Japanese Authorities than if we should frame seperate lists of penalties which would perhaps differ greatly in detail if not in substance; and also destroy the simplicity which this other course would insure.

I beg to advise you that in a matter of a similar nature I advised with the Hon Secretary of State

State Hon. Fish who strongly recommended the plan when practicable of applying a law framed by the Japanese to American residents rather issuing independant Proclamations of my own.

As a jurisdictional question I suppose there is no doubt of the authority on your part and any own of applying a law of this Government to our people as certainly as we can make any order or proclamation of our own govern them.

Should your views and my own coincide in this matter, I trust we will be able to also secure the concurrence of our Hon Colleagues.

I have the honor to rem

Sir.

Sir

Your most obedient Servant

Edd Peasong

R. G. Watson Esq.

Charge d Affairs of

H B M in Japan &c &c

Yedo

December 10th 1872

Sir

I beg leave to thank your for your letter of the 4th. inst which I had the honor receive to day

As my views in this matter entirely coincide with yours I would suggest that if you think fit you; should arrange for a meeting of the heads of foreign legations on the subject.

"The course you indicate would I doubt not accord more fully with the wishes of the Japanese authorities than if we should frame seperate lists of Penalties

and

and I presume that by embodying a law of the Japanese Government in a Proclamation which we may be justified in issuing, we may make the same binding upon the subjects of our respective countries.

I beg in conclusion to thank you for your expressed desire to act; under instructions from your Government; in this as in all other matters of general interest; in concert with myself and all other Foreign Representatives here which desire I shall not fail to report to Her Majestys Government and which I am sure they will entirely reciprocate with respect to the Representative of the United States.

I

I have the honor to remain

Sir

Your most obedient

humble Servant

R. G. Watson

Hon L. E. DeSong

&c &c &c

No 6 United States Legation

Yokohama Jan. 15th 1883

Their Excellencies

Sayesahnia Tomomi to

Prince Kageyori

H. I. J. Ms Minister for F. A.

Your Excellencies

I have the honor

to call your attention to the Rail Way

Regulations and Penalties which you

communicated to Mr. Shepard when

in charge of this Legation during the

month of June last. I am prepared

at once to give full force to the

Regulations in question in so far as

is necessary over the citizens of the

United States of America resident

in Japan but with respect to the

penalties attached to the Regulations

in

in question I beg leave to point out
to your Excellencies that in the
form in which they stand they are
such as may in certain instances
involve a greater amount of punishm
than some of the foreign Representative
are empowered to enforce. H.B. Pres
Charge d'Affairs for instance is not-
as I am advised in a position to decr
a longer term of imprisonment than
three months or a larger fine than
five hundred dollars.

As my Hon Colleagues and myself
are desirous that an identical
sett of Penalties should apply to persons
of all Nationalities alike I beg to
suggest for your Excellencies consider
whether it would not be well to
alter the penalties one and eleven

So

so as to bring them within the limits of the powers conferred to all of the Foreign Representatives and likewise whether if it might not be advisable to make an alteration in Penalty Terms so as to bring the said Penalty more into proportion with Penalty one.

The only other suggestion I have to offer is that an alternative punishment of imprisonment might be added in proportion to the amount of the various fines imposed.

I have the honor to remain

Your Excellencies Most Obdt. Svt.

A. E. De Long

Circular Department for Foreign Affairs

Tokio the 13th 3rd month

6th year Meiji

Sirs Excellencies

I have the honor

to inform your Excellencies that

some amendments in the accompanying

Rail Way Regulations for penalty

have been made as marked with

Red ink..

When the amended Regula-

tions are printed, I will forward

a copy to each of your

With respect & consideration

I have

Shigeno Kazenori

2nd asst-Min for F.A.

To

Their Excellencies

A. E. De Long

Env Ext & Min Plen. of U.S.A. and

Hawaiian Islands in Japan

Copy of Translation

Alterations in Rail Way Penalties

Art 1

Fine of ฿100. ฿500

or one years hard labor to 3 months

Art 2

Fine of not more than ฿25

Fine of ฿25 or 30 days imprisonment.

Art 6th

฿20. ฿25 or imprisonment for not more than 30 days.

Art 7.

One hundred days; Six weeks.

Art 9

After fine add or 30 days imprisonment.

Art 11

Before "a fine of ฿25 for every ton insert hard labor or imprisonment for not more than 3 months.

And for "a fine of not less than."

Substitute

substitute" the commutation of a punishment shall not exceed Rs 500.

Translations.

(S) [illegible]

Copy of Translations

Foreign office 17th 3rd

Month 6th year Meiji

Tokio

Your Excellency

I have the honor

to forward Your Excellency the printed

copy of amended Railway Regulations

for penalty of which I have

communicated upon my circular few

days ago.

With respect & consideration

Ueyeno Kagenori

To 2nd Asst Min for F. A.

His Excellency

C. E. De Long

Em. Ex + Min Plen. of U.S. and

Hawaiian Islands in Japan

PENA

FOR T

INFRINGEMENT OF THE

OF TH

Imperial Govern

Penalties for intoxication of Railway Officials.

1.—Any Railway Official who shall be in a state of intoxication whilst actually employed upon the Railway or any of the works connected therewith in the discharge of any duty shall be liable to a fine not exceeding **25** *yen* and any Railway Official who omits or neglects to perform his duty or who performs the same in an improper manner so that such omission, negligence or improper performance is likely to endanger the safety of any person travelling or being upon the Railway, shall on conviction be liable to imprisonment with or without hard labour for a term not exceeding three **(3)** months or to a fine not exceeding **500** *yen*.

2.—Any person who shall commit any of the offences mentioned in Regulation IV of the Government Regulations shall be liable to a fine not exceeding **25** *yen* or to imprisonment for a term not exceeding **30** days.

3.—Any person who shall commit any of the acts prohibited by Regulation V of the Government Regulations shall be liable to a penalty not exceeding **10** *yen*.

4.—Any person who shall commit any of the acts prohibited by Regulation VI of the Government Regulations shall forfeit his fare and be liable to a fine not exceeding **25** *yen*.

5.—Any person who shall commit any of the acts prohibited by Regulation VII of the Government Regulations shall forfeit his fare and be liable to a fine not exceeding **10** *yen*.

6.—Any person who shall be in a state of intoxication upon the Railway or its premises or in its carriages, or who shall commit any of the acts prohibited by Regulation VIII of the Government Regulations shall forfeit his fare and be liable to a penalty not exceeding **25** *yen* or to imprisonment for a term not exceeding **30** days.

7.—Any person who shall commit any of the offences mentioned in Regulation IX of the Government Regulations shall be liable to a fine not exceeding

LTIES

THE

RAILWAY REGULATIONS

F THE

nment of Japan.

50 *yen* or to imprisonment with or without hard labour for a term not exceeding **6** weeks.

8.—Any person who shall commit any of the acts prohibited by Regulation X of the Government Regulations shall be liable to a fine not exceeding **25** *yen.*

9.—Any person who shall commit any of the acts prohibited by Regulation XI of the Government Regulations shall be liable to a fine not exceeding **25** *yen* or to imprisonment for a term not exceeding **30** days.

10.—Any person who shall commit any of the acts prohibited by Regulation XV of the Government Regulations shall be liable to a fine not exceeding **25** *yen.*

11.—Any person who shall wilfully fail to give on demand such accounts of goods as is required by Regulation XVII of the Government Regulations, or who shall wilfully give a false account of such goods when so required, shall on conviction be liable to imprisonment with or without hard labour for a term not exceeding **3** months or to a fine not exceeding **25** *yen* for every ton of goods, and to a fine not exceeding **10** *yen* for any quantity less than a ton, but the fine in no case to exceed **500** *yen.*

12.—Any person damaging or destroying the property of the Railway shall, in addition to his rendering himself liable to a penalty or other punishments therefor as mentioned in clause IX of the Government Regulations, and notwithstanding the infliction of these, be liable also to make compensation to the Government for such damage or destruction, and the prosecution for the penalty or punishment and the claim for compensation may, if instituted together, be simultaneously decided by the proper authorities.

The above penalties shall come into operation and be enforced from and after the 13th March 1873.

DAIZIOKAN,
Supreme Government.

U. S. Legation, Japan,
March 20, 1873.

DECREE AND NOTIFICATION.

AMERICAN Residents in Japan are hereby notified that a certain code of Railway Regulations and Penalties, which has been proclaimed by the Japanese Government, has been forwarded by me to each U. S. Consular officer in this empire, with instructions to enforce the same as the law governing American citizens travelling upon the railway leading from Yedo to Yokohama.

And I do hereby *decree* and *notify* the same to all American citizens in Japan to have the force and effect of law from this date, until otherwise directed.

C. E. DE LONG,
Envoy Extraordinary and Minister Plenipotentiary of the U. S. of America in Japan.

lw

Copy

No 64

U.S. Legation Jeddo

March 20th 1873

C.C. Shepard Esq.

U.S. Consul

Kanagawa

Sir

You are hereby informed that I have received from the Japanese Government printed copies of a Code of Regulations and Penalties proclaimed by it for the government of travelers upon its Railway leading from Yedo to Yokohama. (Enclosure no 1) 1/84

By a decree of this date I have given the said Code the force and effect of law governing American citizens traveling upon its Railway (Enclosure No 2) You are hereby 2/84 directed to place the said Code

and

and Decree mi a conspicuous place mi ofour Consulate and to keep the same as posted for the information of the Public, and mi the event of the conviction of any person mi ofour Court for a violation of said Regulations ofou are instructed to inflict such penalty as is provided by this Code for such offence.

Jou are farther instructed to retain mi ofour possession until otherwise directed any and all monies paid into ofour Court as fines for violation of said Regulations

I have the honor to remain

Sir

Jour most obedient Svt.

C E Denby

NOTIFICATION.

HER Britannic Majesty's Charge d'Affaires, in pursuance of Sections 85, 86, and 90 of the Order in Council of the 9th day of March, 1865, and by virtue of any other power enabling him in that behalf, hereby makes and establishes the following Regulation, and declares that the same being urgent, it shall, in pursuance of Sections 85 and 88 of the said Order in Council, have effect in each Consular district in Japan one month from the date of publication and exhibition therein, in the manner provided by the said Order in Council unless and until it is disapproved by Her Majesty, and such disapproval is received and published in the manner provided by the Order in Council aforesaid.

R. G. WATSON,
H. B. M.'s Chargé d'Affaires
in Japan.

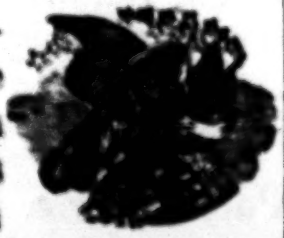
March 19, 1873.

REGULATION.

Whosoever shall wi fully and knowingly transgress any of the "Government Regulations relating to Railways in Japan," hereunto annexed, to the infringement of which any penalty or penalties are attached, shall be deemed guilty of an offence, and, upon conviction thereof before any British Consular or other Court, shall be liable to the penalty or penalties attached to the infringement of the said "Government Regulations relating to Railways in Japan" by the Government of Japan, a list of which penalties is hereunto annexed, save and except that the word "Yen" in the said penalties mentioned, shall be deemed to mean "One Mexican Dollar."

Decree and Notification.

—:o:—



NETHERLANDS SUBJECTS in Japan, are hereby notified that a certain code of Railway Regulations and Penalties which has been proclaimed by the Japanese Government, has been forwarded by me to each Netherlands Consular Officer in the Empire, with instructions to enforce the same as the law governing Netherlands Subjects travelling upon the railway leading from Yedo and Yokohama.

And I do hereby *decree* and *notify* the same to all Netherlands Subjects in Japan to have the force and effects of law from this date until otherwise directed.

C. E. DE LONG,

Envoy Extraordinary and Minister Plenipotentiary of the U. S. of America in Japan and acting for H. N. M.'s Government.

U. S. Legation, Yokohama,
Japan, March 20th, 1873. 1.w.

[illegible]
to the Foreign Minister

No 374

Dated March 22 1873

Inclosure

Railway Regulations &
Penalties proclaimed by
the Japanese Government
notified to American
residents for their
observance.

Mr Berdan

Legation of United States
Japan

Yokohama April 2nd 1873

Mr Nathan Sykes

to

State Department

Contents

Forwarding Salary ape for quarter
ending March 31st 1873 with vouchers

Evelmus B.

to United States Legation in Japan

Yokohama April 2nd 1873

Sir,

I have the honor to forward herewith for your approval, my Statement of salary &c for the quarter ending March 31st 1873. 1/

(Enclosure 1)

Also with same, three customary vouchers numbered 1, 2 & 3. — 2/

(Enclosures 2. & 3) 3/

Respectfully asking your kind approval —

I remain

Very Respectfully

Nathan S. Rice

Interpreter to Legation

in Japan.

Sent to Dept

Instructions
to
Department of State

U.S. Legation Japan
April 7th 1873.

No 3.

Quarterly 3.

Statement of Salaries of Officers and Employés of the U.S. Legation at Yedo for the quarter ending March 31st 1873.

1	Chas. E. Dewey	Secretary & Interpreter	$1,500
2	Edward H. Parker	Student Interpreter	1,000
3	Thomas Pratt	Japanese Writer	1,000

Forwarding Salary a/c for quarter ending March 31st/73 with Vouchers

ask

Mr Berdan

No 4 U. S. Legation Japan

April 9th 1893

DEPARTMENT
RECEIVED
MAY
23
1893
OF STATE.

E. D. L. Berry

Secretary Legation

Contents

Forwarding Salary accounts for quarter ending March 31st 1893.

No 4 U. S. Legation Japan

April 9th 1873.

Sir

I have the honor to forward herewith my Salary account for quarter ending March 31st (Enclosure no 1) 1/4

Also voucher for same (Enclosure no 2) 2

Also voucher for loss by exchange (Enclosure no 3) 3

Trusting that these accounts may meet with your kind approval

I have the honor to remain

Sir

Your most obedient Servant

C. L. L. Berry

Hon Hamilton Fish
Secretary of State
Washington D C

Rec'd at State May 26. 73

C. D. L. Berry

Secretary

No 4

Dated April 9th 1883

Contents

Forwarding Salary a/c

for quarter ending

March. 31st 1883

Mr Berdan

By Cable April 12, 1893.

Secretary of State
Washington,
District of Columbia,

As requested in your private letter I place my resignation in hands of President D. B. Long,
Yokohama Japan.
April 5. 1893.

Recd at 330 PM,
April 12. 1893.

168
169